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Prospects of Legal Scholarship in Germany

Current Situation, Analyses, Recommendations

Rechtskulturen

The English translation of the original report, entitled "*Perspektiven der Rechtswissenschaft in Deutschland. Situation, Analysen, Empfehlungen*" in German, was prepared by a group of German and foreign experts, convened by the German Council of Science and Humanities and the programme *Rechtskulturen*, an initiative of the project *Recht im Kontext* (*Wissenschaftskolleg zu Berlin*/Institute for Advanced Study) at the *Forum Transregionale Studien*. On 25 April 2013, the group met for a day-long workshop at the *Wissenschaftskolleg zu Berlin* and embarked on a process of terminological refinement. The English text was subsequently published on 2 Oktober 2013.

The German Council of Science and Humanities and the programme *Rechtskulturen* are grateful to the German and foreign experts, and in particular to the anonymous translator, for their dedication and diligence in preparing the translation.

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Glossary to the Translation

"LEGAL SCHOLARSHIP" (*Rechtswissenschaft*): Throughout the text, several terms are used to translate the German word *Rechtswissenschaft* – literally "legal science": "legal scholarship", "the study of law", "the academic discipline of law", "law teaching" and "law faculties". *Rechtswissenschaft* is a semantically charged term: it describes (1) the object of study of the academic treatment of law, (2) scholarly research, but also, as a collective singular, (3) the collective of scholars and teachers of law engaged in such research. German law students do not study law but "legal science"; faculties of law are called *rechtswissenschaftliche Fakultäten*. As "legal scholarship" appears to be the most appropriate term to do justice to the nuanced character of *Rechtswissenschaft* in English, this term will be used where the original denotes all three of the above meanings.

The traditional emphasis on a "scientific" – in the sense of scholarly – treatment of law first grew out of the importance of law as a founding discipline of the medieval Western university. Its greater practical importance in Europe can be traced to the role the academy played in developing a "learned law" and its impact on the law in action. During the Enlightenment, this "learned" jurisprudence, like other academic disciplines as well, sought to consolidate itself as a "science" – as a *Wissenschaft* – by focusing strongly on the systematisation of knowledge. Such attempts at systematisation can be found particularly in the works of scholars of Natural Law, whose efforts paved the way for the great continental codifications of the late 18th/early 19th century in Prussia, France and Austria. In the 19th century, in line with a general shift towards positivism and historicism, the scholarly efforts turned towards a systematisation of positive law. During this period, German "legal science" asserted its claim to the "scientificity" of its methodology, and consolidated its authority as the main protagonist in German legal discourse vis-à-vis the two other formative voices of adjudication and legislation. The pivotal status of legal academia was backed by the professionalisation of legal scholarship and legal education at the university level which gained international recognition in the nineteenth century. The paramount importance of the ideal of *Wissenschaft* is still exemplified by the fact

that the academic discipline of law is referred to as "legal science" (*Rechtswissenschaft*) and that students (and thus future judges and legal practitioners as well) are, according to the statutes governing legal education, supposed to be trained in the "scientific" treatment of the law. This "scientific" method is therefore particularly associated with the doctrinal explication of positive law, which in Germany is, as in theology, referred to as *Dogmatik*.

CHAIR (*Lehrstuhl*): The German term *Lehrstuhl* refers to an established chair at a higher education institution. A chair is endowed with a designated amount of personal and financial resources, which are meant to help the professor fulfil his responsibilities in research and teaching. Therefore, when the term "chair" is used, this notion also refers to the entirety of the teaching and administrative staff affiliated with that chair, as opposed to meaning only the person who heads the chair. The term "assistant" typically refers to early career researchers whose positions are affiliated with a chair and who are in the process of completing their *habilitation* (see entry below). They should not be confused with the more autonomous position of Junior Professor (see also PROFESSORSHIP).

DIPLOM, MAGISTER: *Diplom* and *Magister* denote degrees traditionally awarded by German higher education institutions, each to be completed within varying durations depending on the subject studied and the university. While the *Diplom* tended to be awarded to students of natural sciences, business, or engineering, students of humanities, arts and languages usually completed a *Magister*. After the implementation of the Bologna Process and the subsequent introduction of bachelor's and master's degrees most of these degrees have been phased out. Since *Diplom* and *Magister* degrees have longer average durations of study than bachelor's degrees, they are usually considered to be equivalent to a master's degree, despite being a first degree. With regard to the study of law, some universities have started to award the degree of *Diplom-Jurist* to students who successfully passed the First Examination, in order to designate its equivalence to a master's degree in other disciplines.

FOUNDATIONAL SUBJECTS (*Grundlagenfächer*): In German legal scholarship, the term "foundational subjects" refers to those subjects that teach the foundations of law, such as legal philosophy, legal theory, legal history and legal sociology. They are sometimes contrasted with the doctrinal subjects, which teach the conceptual and systematic interpretation of existing legal norms.

FIRST EXAMINATION (previously "First Juristic State Examination", short "State Examination"): The First Examination is a standardised qualification according to § 5 I of the German Judiciary Act and a necessary prerequisite for entering most legal professions. Most commonly, universities offer law degrees that lead to the First Examination. Completing this examination is a prerequisite for entering the two-year period of practical legal training known as the *Referendariat*, which ends with another examination called "Second State Examination". This

Second State Examination is in turn a prerequisite for entering a number of state-regulated professions (such as lawyers or judges); it is therefore also a means of safeguarding and maintaining quality standards across the field. While the Second State Examination is exclusively conducted by the judicial administrations of the federal states, the universities assign 30 % of the First Examination's grade.

HABILITATION: A *habilitation* is the highest academic qualification a scholar can achieve in Germany. Earned after obtaining a doctorate degree, a *habilitation* requires the candidate to write another professorial thesis based on independent scholarship, reviewed by and defended before an academic committee in a process similar to that for the doctoral dissertation. A *habilitation* bestows on the successful candidate the official permission to teach and is therefore a prerequisite for becoming a full university professor in Germany. As there is no English equivalent for this term, the German word *habilitation* will be used throughout the text. As the term has become relatively widespread in English and to increase reading facility, it will be used in its "anglicised" version, not capitalising the first letter and using the English plural *habilitations*.

HIGHER EDUCATION INSTITUTION (*Hochschule*): The term "higher education institution" or "institution of higher education" will be used as an umbrella term for all three types of universities discussed below. It is used instead of "universities" in order to avoid possible confusion with the different institutional types.

PROFESSIONAL DISCIPLINE (*Professionsfakultät*): The term "professional discipline" refers to the three so-called "higher faculties" of the medieval university, comprising the "learned professions" medicine, theology and law. For the purpose of this paper, the term "professional discipline" is used to locate legal scholarship within the spectrum of university disciplines: it characterises professional disciplines that they are closely linked to both, the academic system and the respective societal system. In this sense, theology, medicine and the study of law are structurally similar as their disciplinary and organisational development is not only related to the academic system but is equally related to – in the case of law – the system of justice. Additionally, professional disciplines have in common that they offer training for highly specific professional fields. Translated into the Anglo-American context, "professional disciplines" are those which are taught in "professional schools".

PROFESSORSHIP (*Professur*): The term "professorship" will be used to refer to the German *Professur*. The term refers to a teaching position held by a professor, which may or may not be affiliated with a chair. In other words, every person holding a chair (*Lehrstuhl*) at a German university is a professor, but not every professor necessarily holds a chair (*Lehrstuhl*), which comes with particular resources and responsibilities. It should be noted that the German higher education system traditionally does not know the Anglo-Saxon distinction into Assis-

tant Professor, Associate Professor, Full Professor, etc. The term professor does not refer to an academic rank, but is given to anyone who holds a professorship. However, in 2002, the rank of Junior Professor (*Juniorprofessur*) was introduced in order to implement an alternative career and qualification path. It allows outstanding candidates to carry out independent research and teaching after completing their PhD like a full professor without having to complete the otherwise obligatory *habilitation*. The position of a Junior Professor is usually restricted to a fixed-term contract and involves less teaching responsibility.

SPECIALISATION (*Schwerpunktbereich*): The term *Schwerpunktbereich* describes a specialisation which students at universities can choose once they have passed an intermediate examination. The *Schwerpunktbereich* is designed to deepen the students' knowledge in an individually selected sub-field of law. Universities offer specialisations in all of the three main areas of law: civil law, criminal law and public law. The universities are free to define these courses as broadly ("legal history" or "labour law and social law") or as narrowly ("environmental law and EU planning law") as they see fit.

PUBLIC ADMINISTRATION UNIVERSITY (*Verwaltungsfachhochschule* or *Fachhochschule für öffentliche Verwaltung*): A *Fachhochschule für öffentliche Verwaltung (FHöV)* or Public Administration University (PAU) is a particular type of University of Applied Sciences, ran either by the federal government or by the states. It specialises in administrative studies and prepares students for positions in the civil service.

UNIVERSITY (*Universität*): The term "university" is used to refer to the German equivalent of the Anglo-Saxon "university". They are not to be confused with "Universities of Applied Sciences" or "Public Administration Universities".

UNIVERSITY OF APPLIED SCIENCES (*Fachhochschule*, pl. *Fachhochschulen*): A *Fachhochschule* or University of Applied Sciences (UAS) is a German type of higher education institution with a strong emphasis on practical and vocational skills, notably engineering, technology, art and design, social services, and business and management. Although the UAS make a closer link between higher education and employment, many also carry out their own research. Since the beginning of the Bologna process, the UAS has begun to award bachelor's and master's degrees that are legally equivalent to those awarded at universities (*Universität*). The main difference that remains between the two types of higher education institution is that the UAS does not usually award doctoral degrees. Currently, some UAS in Germany run doctoral programmes in conjunction with a partner university or research institute; however, it is usually the university that awards the degree. To increase reading facility, Universities of Applied Sciences will be abbreviated UAS in this report, both in the singular and plural.

Preliminary Remarks

Like theology and medicine, law belongs to the so-called professional disciplines. As academic subjects, these are characterised by a close interconnection of theory and practice. They not only form part of the system of higher education and academic research (*Wissenschaftssystem*), but are also closely linked to their respective societal sub-systems. The disciplinary and organisational development of law therefore occurs within a specific framework. Not only is it the task of the discipline to understand, reflect, and explain the law in its manifold references, it also prepares and shapes subsequent processes of legal decision-making. In Germany, legal scholarship refers to a legal system itself part of a wider continental European tradition. The majority of graduates are trained to find work in the national job market, which is highly regulated.

The current strengthening of the autonomy of higher education institutions as well as intense competition in the field of science and higher education institutions present a challenge for the discipline of law to redefine its position nationally and on the European scale. The German legal system, too, is developing dynamically. Europeanisation and internationalisation as well as further structural changes in the law present the discipline with fundamental changes concerning its object of inquiry. At the same time, legal professions are becoming more specialised and new fields of occupation requiring legal skills are developing.

For the first time, in this report, the German Council of Science and Humanities offers a fundamental consideration of legal research and study. |[1] The recom-

|[1] In 1991, the German Council of Science and Humanities addressed the question of legal research and teaching in the former GDR; cf. Wissenschaftsrat, "Empfehlungen zu Forschung und Lehre auf dem Gebiet der Rechtswissenschaft in den neuen Ländern", in: Wissenschaftsrat: *Empfehlungen zur künftigen Struktur der Hochschullandschaft in den neuen Ländern und im Ostteil von Berlin*, Cologne: Wissenschaftsrat 1992, Part I, p. 29 – 55, and Wissenschaftsrat: *Stellungnahmen zu den außeruniversitären Forschungseinrichtungen der ehemaligen Akademie der Wissenschaften der DDR auf dem Gebiet der Wirtschafts- und Sozialwissenschaften*, Cologne: Wissenschaftsrat 1992, p. 67 – 74. The aforementioned report deals with the Institute of Legal Scholarship (IfR) of the former Academy of Sciences of the GDR.

mendations presented here are meant to provide an impetus for the advancement of law as an academic subject. The report is directed at legal scholars, at decision makers in higher education, and at the federal and state governments of Germany. Due to the importance of the academic discipline of law that trains graduates in a publicly regulated occupation, it is addressed to the Ministries of Education and Research on the federal and state levels as well as the Ministries of Justice on either level. Furthermore, the report is targeted at all the relevant legal professions and their respective associations (lawyers, notaries, public prosecutors and judges).

In January 2011, the German Council of Science and Humanities set up a working group charged with the task of preparing these recommendations. The working group included German and foreign experts, some of whom are not members of the Council. Their participation is particularly valued. Moreover, the Council is indebted to other experts in Germany and elsewhere, to representatives of the different academic and professional associations, and to those legal practitioners who have supported the process of compiling these recommendations by participating in consultations and interviews.

The German Council of Science and Humanities has adopted these recommendations on 9 November 2012 in Hamburg, Germany.

Summary

German legal scholarship is characterised by a close interconnection of theory and practice. The academic subject is at once part of the system of higher education and academic research and closely intertwined with the system of justice. Its disciplinary and organisational development therefore occurs within a particular framework; in the university, law belongs to the so-called professional disciplines. It is embedded in a long academic tradition and is considered important both with regard to its quality and in numerical terms. Both higher education policy makers and representatives of other disciplines have high expectations for its achievements. Structural changes in the law, the transformation of the system of higher education and academic research, and the increasing responsibility of academic institutions for self-governance all present challenges to the subject matter and current structure of legal research and study. In order to actively engage with these challenges, the German Council of Science and Humanities considers it necessary to strengthen legal scholarship in Germany both with regard to research and teaching. In particular, this entails strengthening the foundational subjects, intensifying exchanges within and outside the discipline and opening up legal scholarship towards other academic disciplines and the wider system of higher education and academic research. In order to achieve this goal, it is essential that both staff and institutions in German legal scholarship become more diversified and that the discipline increases the variety of its theoretical and methodological approaches.

Taking into account the close relationship between the academic discipline and the practice of law, the future success of the discipline will depend on its ability to recognise and explore important structural changes of the law in time. These developments – the juridification of societal processes (*Verrechtlichung*), the emergence of alternative processes of law and norm creation which give rise to new forms of law and ways of enforcing the law on the national and international level, and the Europeanisation and internationalisation of law – must be studied and taught systematically and with regard to their practical effects.

In order to achieve this, the following is necessary. First, the common foundations of legal scholarship should be engaged with more actively in order to bring about a shift of emphasis from specialist knowledge to a more compre-

hensive knowledge of the disciplinary and extra-disciplinary contexts. Law faculties should develop concepts for a broadly defined and comprehensively understood legal education (*Juristische Bildung*); these concepts should work to systematically strengthen the students' understanding of the context and foundations of law, enhance methodological competence in grasping structures and systemic connections, and free legal study from too detailist knowledge. Students should be taught increasingly in seminars and informal tutorials that encourage personal initiative and active reflective study.

Second, the discipline should become more interdisciplinary. To achieve this, legal scholarship in Germany should be opened up to the alternative perspectives of neighbouring disciplines. Intensifying the exchange with the humanities and social sciences will render legal research, study and teaching more dynamic.

Third, German legal scholarship needs to become more international both on the level of research itself and in terms of its academic personnel. The German Council of Science and Humanities recommends that, as a first step, bigger faculties set up temporary positions for visiting scholars. Private foundations sponsoring academic research are advised to set up scholarship programmes for visiting legal scholars.

One essential prerequisite for high-quality research is the availability of a variety of academic perspectives. Diversity of academic personnel has a strong impact on this variety. Fourth, the German Council of Science and Humanities holds that, like in other disciplines, the number of female academics should be increased at all levels of qualification. This should be done in accordance with the Research-Oriented Standards on Gender Equality drawn up by the German Research Foundation (DFG) and the recommendations published by the German Council of Science and Humanities in 2007 and 2012. The Council calls upon law departments and faculties to commit themselves to flexible quotas, based on the cascade model, which were developed as part of the Research-Oriented Standards on Gender Equality. Based on this model, institutions set their own goals to increase the proportion of women at each level of qualification. Any target set by the employer for a specific level should aim to be higher than the proportion of women employed at the level below.

Moreover, the Council is of the opinion that the evaluation procedures assessing research quality and performance in German legal scholarship should be improved. Representatives of the discipline should agree on a set of requirements and framework conditions to form the basis for the development of criteria for a transparent evaluation procedure. The German Council of Science and Humanities also considers it important that dialogue amongst members of the discipline – which constitutes a systematic form of self-assessment – become more frequent and that public and non-public forms of review (peer review) be

strengthened and refined. To achieve this, dedicated research publications, i.e. communication by means of theoretically informed, analytically focused publications, require particular attention. Only if this is achieved can German legal scholarship live up to its own expectations in terms of research originality, relevance and independence. Academic research should be a space for lively, controversial argument and thorough debate. Market interests must not lead to the marginalisation of genuine scientific debate. In order to safeguard the quality of doctoral degrees, the requirements that have been laid out in the position paper of the Council in November 2011 should be applied. Alongside the safeguarding of good academic practice, the academic associations should formulate rules clarifying that consultation and arbitration services, albeit permissible under public employment law, may in no way compromise research or teaching responsibilities.

In order to be appreciated internationally in proportion to its true academic weight, German legal scholarship should closely follow and actively participate in European and international academic debates as well as in processes of making and developing the law. In order to do so, legal scholars should publish more frequently in foreign journals and integrate foreign literature into their own disciplinary discourses. This does not mean that scholars should merely shift the emphasis from German to English and begin publishing exclusively in English. But since legal scholarship is concerned with an object of inquiry that is constituted by language, the discipline should broaden its perspective and adopt a multilingual approach.

The German Council of Science and Humanities observes with interest the growing differentiation of legal studies programmes that point to the diversification of occupational fields in which legal skills are required. More than 13 % of all law students are enrolled in programmes offered by Universities of Applied Sciences (UAS) and private institutions of higher education. Almost 16 % of all those studying law at a university are pursuing bachelor's or master's degrees rather than preparing for the traditional State Examination, a necessary qualification for most legal professions. The number of such law degree programmes, designed to suit the specific profile of UAS, is expected to rise further and will open up and develop new fields of legal training. This is particularly true in the areas of health and social services. At the same time, the cohorts of students who have signed up for law degree programmes at universities have also become more diverse since the introduction of bachelor's and master's degrees, which now exist alongside the traditional State Examination. While the Council welcomes this diversification, which increases the variety of disciplinary approaches and enriches discourses in the study of law, it also sees these developments as positing a challenge for UAS, which must structure and delimit these newly emerging programmes. The discipline as a whole is confronted with the fact that it can no longer restrict itself to one professional model in or-

der to preserve its disciplinary unity. The Council therefore encourages the law faculties to develop further legal degree programmes in reaction to this professional diversification and to provide graduates with joint honours qualifications which prepare them for occupations that may contain some legal content.

A. The Discipline of Law in the German System of Higher Education and Academic Research

A.I BASIC DATA

Numerically, law constitutes one of the substantial disciplines within the German academic system. Approximately 1,300 professors teach almost 110,000 students across all legal degree programmes (Chart 1). The number of legal professorships has increased disproportionately (20 %) when compared to the number of professorships across all disciplines, which has increased by an average of nearly 10 %. It should be noted, however, that while the number of teaching positions at the universities has only slightly increased during the last eleven years, the number of teaching staff at UAS has more than doubled in the same period. Meanwhile, Public Administration Universities (PAU) have also seen a significant rise in the number of law professorships (Chart 5). Professorships at institutions of higher education other than universities therefore account for almost a third of law professorships in Germany. |[2] When compared to other disciplines, the number of foreign professors appears particularly small: While more than 2 % of law professors are foreign nationals, they account for almost 7 % of professors in the subject group languages, literatures and cultural studies, and 6 % across all disciplines (Chart 6). Similarly, the share of female professors is significantly lower in law than in other disciplines, alt-

|[2] The discipline of law accounts for 3.8 % of total professorships (941 law professorships compared to a total of 24,934 in all disciplines). The share of law professorships held at UAS and universities taken together accounts for 3.2 % of all professorships (Chart 5).

hough it has risen from 8.1 % to 15.9 % during the last eleven years, from 2000 – 2010 (Chart 5). |[3] According to a survey carried out by the *Stifterverband*, almost 5 % of endowed professorships in Germany are held in law. |[4]

Law as an academic discipline is characterised by a high degree of institutional differentiation and a versatile choice of degree programmes. Law degrees are offered by almost 150 higher education institutions, 26 of which are private (Chart 1). 41 of these institutions offer degrees that lead to the First Examination (previously "First Juristic State Examination", or "State Examination"), one of which is a private university (Bucerius Law School). Additionally, a diverse range of bachelor's and master's degrees in law has developed at universities and Universities of Applied Sciences. At the UAS, these may be specialist degrees like "commercial law", law minors, or continuing education programmes. At the universities, a number of bachelor's and master's degrees exist. These degree programmes are most commonly chosen by foreign students or are taken as a kind of intermediate degree, after which students will move on to other degree programmes which lead to the First Examination.

The demand for law degrees has remained consistently high during the last eleven years, even if the ratio of law students decreased in relation to the rising total number of students at German higher education institutions. The share of law students in the total student population decreased from 5.7 % to 4.9 % (cf. Chart 2). The 110,000 students who were registered for law degrees in the winter semester of 2010/2011 (Charts 1 & 2) accounted for almost 5 % of all students (Chart 2). While eleven years ago, almost all law students were pursuing degrees at universities, nowadays, more than 13 % of students are studying for legal degrees at institutions of higher education other than universities. 8.7 % are studying at public UAS and 4.7 % at private universities (Chart 1). Almost 10 % of law students come from abroad (Chart 4).

Ten non-university research institutes, all of which belong to the Max Planck Society (MPS), are specifically designated to legal research. They carry out research in core areas such as private law, criminal law, or international law, and deal with the legal aspects of intellectual property, economic competition, taxa-

|[3] In 2010, the share of professorships held by women across all disciplines amounted to 19 %. Cf. Wissenschaftsrat: *Fünf Jahre Offensive für Chancengleichheit von Wissenschaftlerinnen und Wissenschaftlern – Bestandsaufnahme und Empfehlungen*, Cologne: Wissenschaftsrat 2012 (Drs. 2218-12), p. 16. Numbers are based on reports of the Joint Science Conference and the Federal Statistical Office.

|[4] Andrea Frank, Moritz Kralemann, Melanie Schneider (eds.): *Stiftungsprofessuren in Deutschland. Zahlen, Erfahrungen, Perspektiven*. Essen: Edition Stifterverband 2009. The *Stifterverband* is the German business community's donor agency and the largest private institution of its kind in Germany to promote scientific projects.

tion, and social welfare systems. Apart from these, there are the Institute for European Legal History, the Max Planck Institute for Research on Collective Goods, and various research units belonging to the Max Planck Institute for Social Anthropology. The Max Planck Society, in cooperation with the Grand Duchy of Luxembourg, also founded another institute where researchers study the common foundations of European and international judicial and administrative processes from a comparative perspective. The institute took up work on 1 January 2013. To a certain extent, legal research is also being carried out by institutes affiliated with the Leibniz Association (WGL), which specialise in the fields of democracy and peace studies as well as administrative studies.

In financial terms, the discipline of law does rather well when compared to either the group of languages, literatures and cultural studies, or to the average of all disciplines. Between 2000 and 2010, expenditure on legal research and study increased by 36 %, while that of all subjects increased by a mere 26 % (Chart 7, Illustration 3). Here, one should differentiate between universities and UAS. While the former increased by 25 %, the latter increased by 43 %. By comparison, the average rate of increase in expenditure for law, economics and social sciences is 48 %, while spending on the subject group of languages, literatures and cultural studies has grown by only 21 %.

A.II PROMOTING EARLY CAREER RESEARCHERS AND LEGAL RESEARCH

Even if the external perception of German legal scholarship is not primarily determined by its research performance, its importance has significantly increased during the last years. Science policy developments like the increasingly competitive distribution of funds, greater differentiation and self-governance in the higher education system mean that higher education institutions have to strategically reposition themselves. Consequently, research topics and results are being considered in new ways.

Legal research in Germany is generally regarded to be of high quality, and is considered to be of influence on the international level. |[5] Despite this, no reliable studies exist to assess the state of legal research in Germany.

|[5] This view is supported by those representatives of legal professions, academics and national and international experts, who participated in hearings of the Council's working group entitled “Prospects of Legal Scholarship in Germany”.

In disciplines like law, where research output is produced in long written formats – such as monographs, book chapters and extensive journal articles – research performance is difficult to assess using quantitative indicators like external funding. Assessments based on the number of academic publications also pose problems because formats range from very abstract, theoretical literature to practitioners' texts. Despite this, external funding and the number of publications can provide an indication of the kind of changes that have taken place regarding the nature and shape of research activities.

External funding in legal research has risen continuously and has doubled over the last eleven years (Chart 8). While in the year 2000, almost 18,000 Euros per professorship were raised, in 2010, this amount had risen to more than 34,000 Euros. Across all higher education institutions, external funding in legal research has increased by 70 %. This rate of increase surpasses the average of the subject group law, economics, and social sciences; in the year 2000, this subject group raised 20,200 Euros per professorship, a figure that had risen to 31,400 Euros eleven years later. At the same time, the funding attracted by legal scholars is still below that of their peers in the subject group languages, literatures and cultural studies (56,000 Euros per professorship), and significantly below the average level of funds raised across all disciplines (almost 114,000 Euros per professorship) (cf. Chart 8, Illustration 4).

The funds awarded for legal research in the various programmes of the German Research Foundation have grown slower than funding generally, increasing by only 18 % between 2000 and 2011 (Chart 9, Illustration 5). In numerical terms, this is an increase from 5.9m to 7m Euros. While funding in the fields of economics and languages and literature studies developed similarly, increasing by 12 % and 14 % respectively, both started out from higher levels of funding in absolute terms. In economics, 14.5m Euros were raised in 2003; this figure rose to 16.2m Euros in 2011. In languages and literature studies, the average funding was 19.6m Euros in 2003 while this number rose to 22.4m Euros in 2011. Particularly remarkable are the achievements of the history faculties which managed to increase funding through German Research Foundation funds by almost three fourths since 2003, rising from 18.5m Euros to 32.2m Euros. German Research Foundation funds for disciplines like chemistry or biology have increased by a third since 2003. Approximately half of all German Research Foundation awards in all subjects go to individual projects (Chart 9).

15.6 % of law graduates successfully complete a doctorate degree (Chart 10). |[6] This rate is above that of the subject group languages, literatures and cultural studies (11.3 %) but below the average across all disciplines (excluding medicine), which is 19 % (Chart 11). In law, the number of completed doctorates per year and per professorship averages at 1.9 between 2000 and 2009. This means that many more law students complete a doctoral dissertation than, for example, students of German language and literature, where only 0.5 dissertations are completed per professorship and year. The rate of completed doctoral dissertations in law is comparable to that of science subjects like chemistry (2.0) or biology (2.0) (Charts 12 & 13). In 2010, women accounted for 38 % of all doctoral dissertations in law. This rate has increased over the last eleven years; in 2000, only 30 % of doctoral dissertations were completed by women (Chart 14).

The number of completed *habilitations* is declining (Chart 15). This is particularly noticeable in the subject group that combines law, economics, and social sciences, where the number was cut almost in half between 2000 and 2010. Over the same period, the number of *habilitations* in law decreased by more than one fourth which is more than the average across all disciplines. It is also noteworthy that the share of women completing a *habilitation* in law is significantly lower than in other disciplines (almost 21 % in 2010). The rate of law graduates who go on to complete a *habilitation* after their doctorate degree is very low with 2.2 % (Chart 16). This is comparable to that of chemistry (2.8 %). The scholarly community makes use of existing programmes to support early career researchers. The Max Planck Society for example runs seven different legal Research Schools (IMPRS) |[7] and four Independent Junior Research Groups |[8]; while the German Research Foundation lists five different research training groups (*Graduiertenkollegs*) in the field of legal studies.

|[6] The share of graduates going on to do a doctorate is calculated by dividing the average of dissertations in the years 2007 – 2009 by the average of graduates of the years 2002 – 2004.

|[7] Research schools are set up by one or several Max Planck Institutes. They work in close cooperation with universities and other – partly foreign – research institutes. In these research schools roughly half of the fellowships are given to Germans, and the other half to foreign academics. The emphasis of these three-year doctoral programmes lies in the independent research carried out by fellows, usually in an interdisciplinary context. The right to confer doctoral degrees, however, remains exclusively with the universities. Nonetheless, doctoral candidates are supervised jointly by university-affiliated academics and those affiliated with one of the Max Planck Institutes.

|[8] Independent Junior Research Groups help support early career researchers who have already achieved outstanding results in their discipline. During these five-year research programmes, they are given the chance to qualify for leadership positions in academia.

In legal research, a wide spectrum of media and formats exist to publish research results. This diversity is largely owed to the fact that law belongs to the professional disciplines, meaning that legal research publications address both the academic and the practitioners' community. As a result, research publications cannot be distinguished in accordance with the community they address. Besides monographs and academic articles, the "classical" formats of legal publication, legal scholars also use commentaries, manuals, and textbooks to communicate their research. Other widespread formats of publication are conference reports, anthologies and festschrifts (for expert opinions, please refer to B.IV.1).

Legal commentaries usually refer to legal practice and help form structures and define principles in individual areas of law. Besides the seminal commentaries in the areas of public, private, and criminal law, a range of commentaries for specific fields exist, ranging from the Asylum Procedure Act and Construction Law to the Federal Immission Control Act, the Law of Legal Costs, the Administrative Offences Act, the Animal Protection Act, the Cheque and Bills of Exchange Act, the Code of Civil Procedure and the Bankruptcy Act. These commentaries render difficult legal material accessible for non-specialists, present norms in a systematic, interpretative context, provide information on the genesis of laws, and help practitioners use laws by selecting and interpreting their most important aspects. In the highly legislative German tradition, these commentaries play an important role. Other important genres include manuals and textbooks because they provide systematic, scientific, and analytical introductions to the different areas of law and have a strong emphasis on problem solving.

Academic journals, distinguished into training, practitioner, specialist, and archive journals, are equally varied. While it is usually law professors who publish professional education journals, it characterises these journals that they not only carry articles by early career researchers but also by accomplished academics. |[9] A number of student journals published by different law faculties have also become widely read across the country. Both types of publication are used by early career researchers in order to display their pedagogical skill in teaching core materials.

|[9] By way of example, one could mention the following journals: *Juristische Schulung (JuS)*, *Juristische Ausbildung (JURA)* and *Juristische Arbeitsblätter (JA)*.

Practitioner journals address legal practitioners in their respective fields. | [10] Frequently, these journals are published by the practitioners themselves or by practitioners in cooperation with academics. Both academics and practitioners publish in practitioners' journals, which usually only publish on one particular area of law and thus deal with specialist questions. For example, even within private law, there are journals that deal with such specific areas as copyright, family law, international private law or corporate law. Archive journals are academically particularly ambitious; their goal is to maintain unity within different legal sub-disciplines and within the discipline itself. | [11]

Law journals are differentiated by language; a hierarchy of journals spanning all fields of law is less pronounced than for example in the natural sciences, and such hierarchy is not structured by the predominance of one particular language. In future, too, the language of academic journals will remain defined by the language of the law. Since each European nation-state creates, interprets, and applies its own legal norms, these norms are analysed and discussed in the academic publications of that country and the respective national language. This applies in particular to journals that specialise in the fields of positive law and the doctrinal subjects. With regard to the German context, it must be added that a number of legal fields – such as police, school, communal, and construction law – differ substantially between different federal states (*Länder*). Different existing norms and jurisprudence therefore needs to be studied and developed accordingly. For these reasons, legal scholars remain compelled to communicate and publish in the language of the respective legal system. Beyond that, however, there are legal subjects and sub-disciplines that have traditionally been multi-lingual (i.e. international law). Moreover, a number of journals exist in which articles are published in several languages. This is common practice also in a number of other countries, both in Europe and further afield.

A.III STUDYING LAW

The vast majority of all law students pursue a law degree offered at a university and aim at taking the First Examination (approximately 70 %). At the universi-

| 10 The spectrum ranges from the *Neue Juristische Wochenzeitschrift (NJW)*, a cross-disciplinary journal with a strong emphasis on jurisprudence published on a weekly basis, to the *Zeitschrift für Mietrecht (ZMR)*, the *Neue Zeitschrift für Verwaltungsrecht (NVwZ)*, the *Zeitschrift für Umweltrecht (ZUR),* and to the *Zeitschrift für die Praxis des Vergaberechts (VergabePrax)*, which has been published since 2012.

| 11 For example, the *JuristenZeitung*, and the journals *Der Staat, Rechtswissenschaft, Jahrbuch für öffentliches Recht (JöR)*, *Archiv für die civilistische Praxis (AcP), and Zeitschrift der Savigny-Stiftung für Rechtsgeschichte (ZRG, GA/KA/RA)* as well as *Goltdammers Archiv*.

ties, almost 81 % of students take this examination, while almost 16 % study for a bachelor's or master's degree in law. Across all the different types of higher education institutions, more than 25 % of law students pursue a bachelor's or master's degree (Chart 1). The share of female and male students is more or less equal (Charts 2 & 3).

The student-teacher ratio in law is unfavourable both in absolute terms and in comparison to other subjects. In 2010, there were 82 students per professorship, while the ratio across all disciplines was 52:1. Between 2000 and 2010 this ratio improved somewhat, decreasing by eleven students from 93 to 82 students per professorship across all types of higher education institutions (Chart 18, Illustration 6). In the universities, in 2000, there were 113 law students per professor; this figure improved and fell to 102 in 2010. At the UAS, the ratio is significantly better. In 2010, there were 33 students per professorship. It must be taken into account, however, that this figure is somewhat moderated when considering that the UAS do not employ research assistants in their doctoral and postdoctoral phase, who at the universities also have teaching responsibilities. Moreover, the number of students per teacher has risen continuously at the UAS during the past years. If the number of law students studying at a UAS continues to rise in the coming years, it is likely that student-teacher ratios will deteriorate here as well.

50 % of all law students who study for the First Examination complete their degree within a maximum of ten semesters (Illustration 7). Amongst those universities with the shortest average duration of study are three medium-sized Bavarian universities (Passau, Augsburg and Würzburg) as well as the privately funded Bucerius Law School in Hamburg. There are a large number of universities where students take approximately ten semesters (the median duration of study) to complete a law degree. Even at the very large law faculties in Köln and Münster, the average duration of study is approximately ten semesters.

During the past ten years, the discipline of law has seen two different kinds of structural changes. First, the Legal Training Reform Act, passed in 2003, introduced significant changes to the legal studies curriculum. Second, commercial law has become established as a subject at UAS.

In contrast to other disciplines, a significant share of law students makes use of educational services outside the university in the form of privately funded preparatory courses (*Repetitorium*) in order to prepare for the First Examination. It is estimated that at least half and up to 90 % of law students prepare for the ex-

amination using one of these preparatory courses. | [12] Besides commercial providers, some universities also offer their students preparatory classes. Funded by tuition fees, these university preparatory courses (*Universitätsrepetitorien*) were introduced for the first time in the mid-1970s.

III.1 Studying Law at a University

In Germany, there are 43 law faculties, 41 of which offer law degrees that lead to the First Examination. 36 of these 43 faculties consist in 15 or more chairs. | [13]

Most commonly, legal degrees are completed by the First Examination, a standardised qualification according to § 5 I of the German Judiciary Act. Completing this examination is a prerequisite for entering the two-year period of practical legal training known as the *Referendariat*, which ends with the Second State Examination. The Second State Examination is, in turn, a prerequisite for entering a number of state-regulated professions (such as lawyer or judge); the Second Examination is therefore also a means of safeguarding and maintaining quality standards across the field. As a result, the material covered in the First Examination, which is decided upon by the different federal states and administered by their Judiciary Examination Offices, is strongly canonised. Structural changes in law teaching and research must thus always take into account the First Examination.

During the last few decades, the so-called "qualification to hold a judicial office" was decisive for the structure of the legal degree. This focus has frequently been criticised, particularly by legal associations. It is estimated that approximately 75 % of law graduates go on to become lawyers. | [14] The number of lawyers in

| [12] Cf. figures of the German Jurist Faculty Association which carried out a survey in cooperation with the Law Examination Offices of the federal states, inquiring how many law students make use of commercial preparatory classes (http://www.djft.de/themen/umfrage/umfrage.htm); Kathrin Klette: "Recht verschlossen", in: *Frankfurter Allgemeine Zeitung*, 21 May 2011 (http://www.faz.net/aktuell/rhein-main/wirtschaft/repetitorien-fuer-jurastudentenrecht-verschlossen-1642387.html [last accessed on 27 August 2012]); Manuel J. Hartung: "Die Klagen der Juristen", in: *Die Zeit*, 25 May 2005 (http://www.zeit.de/2005/22/C-JURA-Serie/seite-1 [last accessed on 27 August 2012]).

| [13] The figures refer to the data published by the German Jurist Faculty Association in the year 2010. The Technical University Dresden, the FernUniversität in Hagen and the University of Siegen, which do not offer law degrees leading to the First Examination, and the Bucerius Law School are included in this survey. Cf. http://www.djft.de/pdf/Gesamtstatistik_DJFT_2011.pdf (last accessed on 21 June 2012).

| [14] Up to 15 % of graduates are employed by associations and businesses, 6 % take up a job in public administration, 4 % find work in the judiciary, and approximately 75 % go on to become lawyers (cf. Ausschuss der Justizministerkonferenz zur Koordinierung der Juristenausbildung: *Bericht des Ausschusses der Justizministerkonferenz zur Koordinierung der Juristenausbildung. Der Bologna-Prozess und seine möglichen Aus-*

Germany has increased more than tenfold since 1950 and has grown considerably in the last ten years. Today, there are 158,426 accredited lawyers in Germany, more than 30 % of which are women. | [15] The number of lawyers with one or more accredited legal specialisations (*Fachanwaltschaft*) has increased almost fiftyfold between 1960 and 2012 from about 900 to approximately 44,000. | [16] Since the end of the 1990s, a strong increase in accredited specialist qualifications can be observed. Between 2000 and 2012, they have grown fourfold, rising from more than 11,000 to 44,000. This means that the share of accredited specialist lawyers increased from 12 % to 28 % between 2001 and 2012, a development which is mostly due to the diversification of existing specialist qualifications. While only two specialist titles existed between 1960 and 1980 (tax law and administration law), six different qualifications were available in the 1990s. Today, 20 different additional legal qualifications exist. These figures can be taken as an indication that the legal profession is developing dynamically and becoming increasingly more complex.

Many lawyers' interest groups argue that practical skills such as rhetorical training, negotiation management, mediation and interrogation skills should become a more important part of the law curriculum. In order to improve students' practical training, the duration of the obligatory period spent at a lawyer's office during the two years of practical training before the Second State Examination was extended from four months to nine. Aiming to improve practical training, the Legal Training Reform Act, which came into force in 2003, enables faculties to specialise in certain areas of law. This change is reflected in the design of the examinations. The First Examination is no longer designed to solely examine the candidates' ability to deal with hypothetical cases set by the judicial administration of the federal states, but now also tests the candidate's proficiency in his or her faculty's respective specialisation. This part amounts to 30 % of the entire examination, and is tested exclusively through the university teaching staff.

wirkungen auf die Juristenausbildung [http://www.justiz.nrw.de/JM/justizpolitik/schwerpunkte/juristenausbildung/bologna_prozess/berichte2005/abschlussbericht.pdf], p. 30 [last accessed 21 September 2012]).

| 15 In 1950, 12,844 lawyers were accredited; in 2000 this figure had risen to 104,067. (Cf. Bundesrechtsanwaltskammer*: Entwicklung der Zahl zugelassener Rechtsanwälte seit 1915* [http://www.brak.de/w/files/04_fuer_journalisten/statistiken/statistiken2012/entwicklungraebis2012.pdf; last accessed 1 August 2012]). It should be noted that retired lawyers and lawyers working in other professions, such as jurists who work in the legal departments of large businesses or in-house lawyers, are included in this figure.

| 16 Cf. Bundesrechtsanwaltskammer: *Entwicklung der Fachanwaltschaften seit 1960* (http://www.brak.de/w/files/04_fuer_journalisten/statistiken/statistiken2012/entwicklungfaebis2012.pdf [last accessed 1 August 2012]).

These specialisations make it possible for faculties to focus on certain areas of law, like international or European law, and even on narrower fields such as admiralty law or the international law of the sea. In several places, specialisations in commercial law were established. Among students there is a particularly large demand for specialisations in criminal law (in particular in juvenile law, criminology, or international criminal law), while only relatively few students choose specialisations in foundational disciplines like legal history. Some faculties claim that law degrees have become more scientific because extensive coursework has to be prepared while new specialisations allow for in-depth study and discussion. At the same time, faculties often complain that the time and effort needed to teach difficult subjects exceeds their capacities. The large amount of teaching that professors have to carry out and the high student-teacher ratio are partly to blame for this complaint.

The first evaluation reports are now available, but they should be regarded as limited in reliability because they rely on very small data sets. | [17] When asked whether they had acquired "key competencies" in specific classes, the average grade given by students was between 1 ("no competencies acquired") and 2 ("very few competencies acquired"). Classes aimed at acquiring practical skills received equally poor results; more than half of the students ranked them as "unsuccessful" or "modestly successful" in transmitting practical competencies. By contrast, efforts to make the study of law more international have been more successful. Large numbers of law students spend part of their degree abroad while disciplinary specialisations are also becoming more international in character. It is now possible to choose specialisations in accordance with personal preferences and career aspirations. This should be considered a success, marking the achievement of one of the reform goals. In addition to its academic impact, the Legal Training Reform Act has produced administrative changes: Universities had to set up and staff examination offices.

III.2 Studying Law at a University of Applied Sciences

During the last few years, the number of legal degrees offered by UAS and Public Administration Universities has increased significantly. | [18] Since the winter semester 2002/2003 when the Federal Office of Statistics first listed commercial

| [17] Cf. Ausschuss der Justizministerkonferenz zur Koordinierung der Juristenausbildung: *Bericht über die Auswirkungen des Gesetzes zur Reform der Juristenausbildung* (http://www.justiz.nrw.de/JM/justizpolitik/schwerpunkte/juristenausbildung/evaluation/bericht.pdf [last accessed 4 July 2012]); the evaluation has been continued for the time span January 2007 – October 2010: (http://www.justiz.nrw.de/JM/justizpolitik/schwerpunkte/juristenausbildung/evaluation/bericht2011.pdf [last accessed 4 July 2012]).

| [18] This refers here to public and private UAS. Some institutions, like the Federal Employment Agency, social insurance agencies, judicature and the police run their own UAS.

law as a subject, the number of students registered for this degree has increased fourfold, rising from almost 3,000 to more than 12,000 (winter semester 2010/2011) (Chart 2). Beyond commercial law, which at some UAS is a bachelor's or master's degree in its own right, UAS have developed a number of specialist legal degrees, notably in the fields of social or media law. The result of the expansion of legal classes at these institutions is that now almost 9 % of all law students are registered not at a university but at a UAS (Chart 1 & 2). Some of these schools have now introduced restrictions on the number of students admitted to their degrees.

The expansion of the discipline of law at UAS coincided with the expansion of legal teaching staff. The student-teacher ratio is significantly better at UAS than at universities (cf. Chart 18). This expansion is also related to the difference in Curricular Standards (CNW) between UAS and universities. These standards quantify the amount of contact hours a student receives per week when completing a legal studies degree within an average duration of study. The standard was at 2.2 hours per week, thus improving slightly when compared to the 1.7 hours a student received in 2003. |[19] With 4.8 contact hours (bachelor) and 5.6 contact hours (*Diplom*) per week at UAS, the discipline of commercial law does significantly better than its counterparts at universities. |[20]

At the UAS, a market for continuing education in law has developed in recent years. Further education courses allowing professionals to earn specialist legal qualifications are now offered by private businesses as well as by UAS. Moreover, these institutions also offer master's degrees focusing on particular legal skills related to specific areas of work. These degrees are offered part-time, so that students can continue working while studying for these qualifications.

|[19] By comparison, the standard number of contact hours per week in dentistry and veterinary medicine is 7.6, 3.0 in history or theatre studies, and 2.0 in social sciences or sociology.

|[20] This is mentioned, for example, in the Capacity Assessment for the Allocation of University Places Act of Lower Saxony (http://www.vhw-bund.de/DOCS/RECHT/KapVND2003.pdf [last accessed 1 August 2012]).

B. Analysis and Recommendations

German legal scholarship is embedded in a long academic tradition and constitutes an important academic subject both in qualitative and quantitative terms. Both higher education policy makers and representatives of other disciplines have high expectations for its achievements. German legal scholarship has participated in the recent reforms of the German higher education system, albeit in a rather hesitant manner. Structural changes in the law, transformations in the higher education system, and the increasing administrative independence of academic institutions all present challenges to the object of inquiry and current structure of legal research and study. The German Council of Science and Humanities expects that the present report and its recommendations will bring sustainable change to German legal scholarship.

B.I LEGAL SCHOLARSHIP. DEFINITION – EPISTEMOLOGICAL CONDITIONS – FUNCTIONS

This chapter will deal with the attributes and conditions that characterise German legal scholarship, both as an academic subject and a professional discipline. The German Council of Science and Humanities is of the opinion that communication both within the discipline and with other academic disciplines would benefit if legal scholars made explicit what they regarded as the defining features, principles and prospects of legal scholarship and if they communicated them accordingly. Structural changes in the law have changed the conditions under which research and teaching are carried out and thus make an inquiry into the self-definition and prospects of German legal scholarship more necessary than ever. Chapter B.I hopes to provide an impetus for such self-reflection, a process the German Council of Science and Humanities regards as necessary in order to discern future developments and confront future challenges. The resulting conclusions are drawn in the chapters B.II – B.IV.

German legal scholarship engages in the systematic, critical, and methodical reflection on law. In so doing, it is of immediate practical relevance to the legal system because it accompanies, shapes and prepares legal decision-making. Legal scholarship develops the doctrines of positive law and explores its manifold foundations (historical, political, philosophical, social, and individual). It is a hallmark of German legal scholarship that it takes a very comprehensive approach to the law, analysing it in its entirety and in a systematic-conceptual manner.

In contrast to other societal regulatory systems, the law has a very specific claim to validity, which manifests itself through its general binding power and which is safeguarded and implemented through the state's monopoly on the legitimate use of force. The premises, conditions of validity, and effects of positive law are reflected upon by legal scholarship, in a manner ranging from its formation to the communication and enforcement of law. Legal scholarship also deals with alternative forms of law (such as customary law), which play an important role in certain areas of law (like international law), as well as with non-state norms whose legal status is disputed (an example is the *Lex Mercatoria* or the International Regulatory Framework for Banks [Basel III]). |[21] Substantive law, procedural law, organisational law, and questions of the hierarchical distribution of competencies belong to the body of positive law.

In modernity, law has become a central means for ordering society. Its essential functions are (1) conflict resolution, (2) regulating behaviour and (3) implementing and promoting core values like justice, freedom, human dignity, and solidarity.

(1) Resolving and preventing conflict, i.e. maintaining peaceful relations within society, has always been the fundamental function of the law. Historically, laws applicable to all – in combination with the state's monopoly on the legitimate use of force – have served to repress individualised violence in the form of revenge and self-administered justice and have helped to overcome feuds. According to its own standard, the law provides for an equal, and therefore just, treatment of all those who are subject to it.

(2) Beyond its uses in conflict, the law serves to organise, direct, and regulate interpersonal behaviour. As a normative canon and guiding instrument, it serves as a means to govern societal interaction. By establishing property rights and

|[21] In legal scholarship, *Lex Mercatoria* refers to the body of customary trade laws emerging in the Middle Ages and used across state borders. Today, the term is used for the entire body of international trade law and regulations.

ensuring their application, it makes possible the efficient usage of goods. The law aims to create security of expectation and to define spaces of action for citizens. This also means that the law regulates the responsibilities and procedural behaviour of those (state) institutions that apply the law; it empowers them and regulates instances of conflicting competencies.

(3) Historical developments and modern comparative law have shown that legal systems can take very different shapes. In modern constitutional democracies, the law fulfils a supporting, stabilising, and structuring function by consolidating society's core values. The law today serves to safeguard an existing order, which aims to implement standards of justice in a democratic context, and guarantees freedom, human dignity, and solidarity.

It is the task and function of legal scholarship to research the premises, validity, and effects of the law under the changing conditions of modern society. The law is in a constant interaction with alterations produced within the legal system and outside it. Hence, law changes in accordance with both external and internal dynamics. At present, the law is changing especially due to processes of internationalisation and Europeanisation. National law is permeated by and changed (partly) by European law. This concerns not only constitutional, administrative, and business law, but also fields like the law of obligations, family, inheritance, and criminal law. With the Europeanisation of law and the continuously developing jurisprudence of European courts, hitherto unknown dynamics emerge whereby existing normative hierarchies are challenged and processes of law creation and application are questioned in all sub-fields of law. Moreover, the encounter of sovereign nations with international legal spheres and non-state norms leads to the pluralisation of legal systems. At the same time, legal landscapes which continue to be shaped by state law are beginning to change. Private actors are beginning to assume the task of norm setting (in regulatory works of associations like the German Institute for Standardisation, the Technical Inspection Association, the German Football Association, or in the terms and conditions of social networks online). In addition, existing or newly emerging actors like religious communities, whose structures of social ordering are not state-based and whose value-based ties are particularly strong, are becoming more influential.

Legal scholarship in Germany is in a constant and intensive exchange with legal practitioners – lawmakers, courts and administrations, as well as lawyers. In cooperating and engaging critically with the courts, the study of law contributes to keeping the existing body of law coherent, resolving possible contradictions and finding appropriate legal solutions to new problems. The contribution of practitioners in this regard is much greater than in other disciplines. It is characteristic for the discipline of law in Germany that academia and legal practice are closely connected, especially with regards to the practice of the

courts. Legal scholarship not only contributes to the decision-making of judiciary, legislative and executive powers, but also influences the usage and mobilisation of law by private actors. In particular, the case law of high and supreme courts participates in further developing the doctrinal subjects of law. Legal scholarship is thus connected with state and society in a way that differs from other academic disciplines.

The givenness of positive law shapes the task and self-understanding of the discipline of law. In Germany, the harrowing experience of injustice embodied in law and the complete destruction of legal structures serves as a forceful reminder to continuously challenge the principles of scholarly analysis. Law is always connected to the idea of an ethical order, which aims to uphold justice. This is why, in a double sense, the German term *Recht* – meaning both "that which is right and/or correct" as well as "law/justice" – refers both to positive law as a set of existing norms (legality) and to the question whether these laws are indeed just or legitimate. |[22] Existing laws can be recognised and applied with a canon of legal methods developed by legal scholarship (see B.I.2). The application of law is thus necessarily governed by legal theory. Moreover, the question whether its rules are just also needs referring to other theoretical fields and methods, such as history, criminology, economy, philosophy, political science, psychology and sociology.

I.2 The Object of Inquiry, Scope and Claim to Validity of Legal Scholarship

The discipline of law is concerned with the study of norms. With regard to its epistemology, its positions are shaped by the specific characteristics of its subject matter. These are first the changing nature of positive law – a change, which legal scholarship directly contributes to –, and second, the linguistic nature of its object of inquiry, which consists of a corpus of written laws. And third, the normativity and decision-making function of legal scholarship ought to be stressed, which has real and lasting effects on social life. The law is thus marked by a strong relation to practice, which directly links it to society and to the exercise of authority in a political system.

Being a hermeneutic discipline, legal scholarship employs multiple methods. Like all disciplines, it has to live up to its claims of being a scientific discipline in accordance with its own identity: The scholarly engagement with the law rests on a canon of grammatical, historical, systematic, and teleological methods of interpretation and on processes of reasoning that can be conceived dif-

|[22] The classic reference of these two meanings of the German term *Recht* is Kant's Introduction to the Science of Right "What is Right?" (§ B) in The Metaphysics of Morals.

ferently according to one's own theoretical approach, analytical framework, and epistemological interest. Legal scholarship proceeds in a conceptual-analytical manner and develops systematic and hermeneutic perspectives to understand and analyse the body of legal norms. Legal methodology concerns the interpretation of legal norms and its application in specific cases; in other words, it teaches the skilful usage of norms according to relevant rules (*lege artis*). Examples include subsumption (the application of a norm to a specific case, i.e. the subsumption of facts under the premises of the norm), the canons (*canones*) of interpretation, and legal precedents. The insights gained are brought together in a structured way and developed further in the doctrinal subjects, employing reasoning that must be internally consistent and coherent with other scholarly insights. Legal scholarship tries to achieve a differentiated, multi-layered and falsifiable argumentation: its propositions are as preliminary and revocable as that of any other scientific discipline.

The object of legal scholarship is dynamic in so far as contemporary law is contingent and subject to change. The application of law intends to give a specific interpretation to non-specific legal text. In other words, the hermeneutic need for interpretation is central to all methods of applying the law. Laws are analysed and interpreted to solve a specific legal problem with the help of commentaries, collections of precedent cases and legal decisions, and a rich academic literature. The system of legal norms is never complete. Historical developments and societal dynamism mean that the resolution of all existing doubts, arguments, and conflicts will never be entirely possible. Moreover, legal texts have to be amended, changed, and sometimes rewritten in order to account for new cases and emerging situations. The evolving nature of legal norms thus both characterises legal work and scholarship and presents a constant challenge to it.

When legal scholarship integrates historical, linguistic, philosophical, social, political, economical, psychological, criminological, and other perspectives, it simultaneously adopts their methodologies. It appropriates different epistemological methods to understand its object of inquiry, thereby unfolding the rich variety of meaning naturally entailed in the law (the conditions of its creation and validity, the legal permeation of various areas of life and of different social spheres, the durability and resilience of norms, questions of justice, etc.). Legal scholarship cannot, therefore, afford to dispense with these interdisciplinary relations. The internationalisation and Europeanisation of law – particularly the gradual opening of the closed legal system of the nation-state (the framework which gave rise to both the German Civil Code and the constitutionally guaranteed fundamental rights) – demands a methodology that critically reflects and integrates international perspectives.

Although legal scholarship's object of inquiry has a dynamic element to it, in the sense that it is contingent and therefore subject to change, there are a num-

ber of legal principles and doctrinal insights that lay claim to permanent validity. Thereby, certain basic principles – as with respect to the conclusion of contracts, the attribution of the effects of human acts, the structure and organisation of state power or fundamental human rights – remain binding guidelines for the interpretation and the application of law. One of the chief tasks of legal scholarship is thus to safeguard indispensible principles such as the intrinsic value of human life, human dignity and autonomy, the right to liberty and justice, democracy and the rule of law. In doing so, legal scholarship's close relation to legal practice can be of help: Situations of real normative conflict requiring authoritative solutions demonstrate that completeness, decidability, and consistency in the law are important guiding principles which can, however, never be fully realised. But these principles help develop further the repertoire of legal norms and interpretations. The immediate practical dimension of these principles makes it necessary to research the societal premises and effects of the manner in which the law operates.

I.3 German Legal Scholarship as an Academic Discipline

The discipline of law is being affected by a number of factors lying outside the system of higher education and academic research. The discipline's close relation to legal practice largely determines the nature of research issues taken up by legal scholarship. Legal research is tasked not only with producing knowledge and closing gaps in existing knowledge, but also with securing and recovering previous insights by refocusing them in changing contexts. This second task can be traced to the decision-making function and normative nature of its object of inquiry – the law –, which means that the study of law must contribute to societal trust in the unity and consistency of legal norms. Thus, the (re-) contextualisation of previously existing principles, such as the rule of law or democratic principles, and the continual development of the conceptual-juridical framework of the law are hallmarks of genuine legal work and research.

The content of legal training is rather heavily regulated by the state, and the Legal Examination Offices of the federal states also take an active part in its design. Consequently, both the material taught and the information demanded in the exams is strongly canonised. Changes to the legal context and structural changes to the discipline thus necessarily have consequences for the legal regulation of the First Examination and its contents.

It is another structural feature of legal scholarship that legal professions enjoy high social regard and that careers in legal practice, particularly outside academia, are highly attractive. Unfortunately, however, it is often difficult to convince particularly outstanding law students to pursue a career in academia.

Legal scholarship distinguishes between foundational [23] and doctrinal subjects. The foundational subjects teach the historical, philosophical, sociological, political, psychological, economic and criminological foundations of law. Legal philosophy and theory attempt to understand the underlying legitimacy of the state and law as well as the necessary and legitimate contents of legal orders. They deal with analysing and defining the basic concepts of legal orders – for example, terms like “law”, “legal subject”, and “legal object”. They formulate general statements about the legal system, the concept of law, and about the theory and logic of norms and normative conflict. Legal history studies the law with an eye for its continuities and changes, contextualising the genesis of existing legal orders by identifying the cultural, economic and political factors that have played a role in shaping it. Comparative law analyses foreign legal systems with similar analytical distance with which legal history looks at past laws. Functionalist comparative law aims to understand the variety of answers that different legal traditions have found for similar legal problems. Legal sociology examines the social reality of law. This entails dealing with the emergence and societal conditionality of law and the influence of the law on society. Legal psychology analyses those aspects of human behaviour and experience that are relevant to the law and jurisprudence. Criminology, too, is an empirical discipline; it examines crime, perpetrators, and victims (who constitute the object of inquiry of victimology) as well as crime control. This list is by no means exhaustive. Law can be understood and examined from a variety of perspectives.

Rechtsdogmatik, which doctrinally engages the contents of positive law, is concerned with the comprehension, understanding, the interpretation and the application of positive law. Its objects are legal texts that are both valid and intended to be applied. Doctrinal subjects are public law (constitutional law, administrative law, international and European law), private law (which in Germany is classified by the subfields of “general” and “special” private law [including for example trade and corporate law] and labour law), and criminal law. The doctrinal method is aimed at a rational definition and application of the law. Since the findings of legal research directly influence legal decision-making, the methodology of interpreting legal texts is not comparable to that of other disciplines, such as literary studies. *Rechtsdogmatik*, meaning the conceptual and systematic engagement with positive law, creates a shared communicative space for academia and practice.

Solving doctrinal questions, applying the law, providing legal counsel and lawmaking are all activities that require an approach to the law that considers the

[23] The differentiation between foundational and doctrinal subjects in legal studies does not correspond to the ways in which these terms are used when we talk of “fundamental” versus “applied” research.

legal system in its entirety; this ensures that the discipline remains unified, reduces the degree of specialisation and mitigates the negative effects of such specialisation. As a consequence, jurists can relatively comfortably judge the academic content of legal statements in fields which do not fall within their specialisation.

The foundational subjects are of particular importance for the discipline. |[24] These subjects interact with the doctrinal subjects in two ways: First, they are used in applying the law, because they increase our understanding of positive law. Second, the foundational subjects constitute a set of references, which help students to critically reflect on positive law. Moreover, they serve as a critical measure and a standard through which the set of positive laws can be examined with regard to consistency and in relation to higher-ranking principles such as justice. The foundational subjects constitute one of the characteristic features of German legal scholarship; their importance should be emphasised and maintained.

Scholarly engagement with the law at the universities is a long-standing European tradition. But there are also a number of tangible contemporary reasons why the discipline of law should play an active role in the wider system of higher education and academic research:

_ Understanding law as one of the fundamental phenomena of human civilisation allows us to comprehend and explain the characteristics of human subjects as well as their <u>perception of themselves and the world</u> that surrounds them.

_ Only academia can <u>independently reflect</u> on the law and legal systems in a methodological manner. In contrast to the courts, for example, legal scholarship can develop the doctrinal and political aspects of the law in a general manner, separate from individual cases. Scholars can carry out research while remaining relatively independent from clients, political dictates, and the interests of professional associations.

_ Legal scholarship contributes to and benefits from <u>interdisciplinary thinking</u>. It can provide other disciplines with fresh insights, when their research touches upon legal issues, and thereby contribute to a productive reflection on the law. Epistemological questions emerge in a particular way in situations of legal decision-making: Through its strong ties to the practice of law, legal scholarship can help other disciplines remain grounded in the realities of the

|24 This view is supported by those representatives of legal professions, academics, national and international experts, who participated in the hearings of the Council's working group "Prospects of Legal Scholarship in Germany".

law – and can raise legal problems that challenge other disciplines and confront them with new questions.

_ With its doctrinal precision, legal scholarship contributes to conceptual and categorial clarity in academic discourses. As a science, that is both normative and which produces real-world decisions, legal scholarship complements the system of academic disciplines.

_ Legal scholarship reflects in a normative way on science itself: It is a place where science traces the course of its own limits. It helps to concretise and develop the legal parameters that define the norms by which modern science exercises self-restraint. Examples in the field of modern technology and life science show the importance of this function of legal scholarship both for academia and society.

_ The structure of the system of higher education and academic research ensures that legal scholarship remains in close contact with other cultural and social sciences and can draw on their results. Especially with regard to law-making policies, which aim to further develop the law, concepts that originate from other disciplines, such as political philosophy, economics, or social sciences are frequently used.

The forms and instruments with which legal scholarship can contribute to and support academic discourse will be shown in chapter B.II.

I.4 The Societal Function of Legal Scholarship

Legal scholarship is charged with the task of critically reflecting the law in its specific function as a central means for ordering society, alongside other central means such as the market, politics, morality, or religion. Since antiquity, respect for the law and justice have been regarded as fundamental to construct a good and just social order. This indicates that academia plays an important part in passing on and discursively developing reflective knowledge to which modern societies can continuously refer. As a result, legal scholarship has a corrective function vis-à-vis the market, politics, morality, and religion. Legal scholarship participates in a discourse on societal principles, such as justice, freedom, human dignity, and solidarity. It is not the only institution to engage with these topics, but it approaches these principles through the exceptional nature of the law, which is a force to be obeyed and applicable to all.

Academic critique and reflection on the law is equally important for legal practitioners, society, international coexistence, and individual citizens. It serves to strengthen and advance democratic society. Only a methodically sound, consistent and coherent law adhering to justifiable principles can be applied by courts, administrative institutions, legal consultants, and others. It is therefore crucial to include lawyers and other legal practitioners in the teaching and research of

law. The stability and progress of societal systems requires the academic reflection on and critique of legal foundations. The legitimacy of the law is a factor that helps to stabilise society. As much as democracy benefits from vivid deliberation, conflict, and the controlled expression of dissent, it also profits from the continuous reflection of its citizens as to the objectives of their political and social actions.

The differentiation of the law as a societal functional system creates the need for professional actors who take on different tasks within this system. This endows legal scholarship with the task of training professionals for these jobs. Legal scholarship offers perspectives (legal philosophy, history, sociology, comparative legal research, legal psychology, and criminology) that go beyond the mere recapitulation of existing legal material. This enables professional training in which the existing body of laws can be reflected upon and critically assessed in its manifold social and cultural references, in historical context, and in its dynamics.

New forms of law, processes of law creation, and new ways of applying the law affect all areas of society. The normative challenges that arise through globalisation will not be overcome without constant academic effort. In order to avoid lowering the standard of the law, legal scholarship will have to actively contribute to deciphering, guiding, and controlling such processes and their results.

B.II LEGAL RESEARCH

German legal scholarship is embedded in a long academic tradition and has institutionalised its own culture of engaging with the law. An important characteristic of German legal scholarship lies in its systematic approach to understand and explain positive law, and in its development of a highly specialised terminology. Its comprehensive approach, entailing systematics and legal doctrines, is of significant international importance and has won respect particularly in continental Europe. |[25] *Inter alia*, German legal scholars make important contributions to ambitious European projects aimed at unifying European private and criminal law. The German debates on constitutional and fundamental rights doctrines are further examples of German legal discourses that are closely followed internationally. This particular German form of academic engagement with the law has proven to be capable of being transferred to other con-

|[25] This view is supported by those representatives of legal professions, academics, national and international experts, who participated in the hearings of the Council's working group "Prospects of Legal Scholarship in Germany".

texts and has found recognition in East Asia, South America, and Eastern Europe. This transfer capability is also one of the reasons why, in addition to English, German is one of the important academic languages in the study of law. German legal scholarship is characterised by a close connection of theory and practice. Courts regularly refer back to texts published by academics, and legal scholars frequently publish papers that address legal practitioners. Moreover, important academic texts are frequently written or conceived by jurists, lawyers, administrative institutions, or the judiciary.

The close connection of legal research to the training of legal professionals explains why doctrines and the application of law are so crucial to German legal scholarship. One of the unique aspects of German legal scholarship is that professors holding chairs in the foundational disciplines also teach doctrinal subjects. During the past decades, however, foundational and doctrinal subjects |[26] and theoretical and applied research have become ever more separated. These oppositions are proving to be increasingly dysfunctional. They tend to lead to the isolation of sub-disciplines, thereby lessening the unity of the discipline as a whole. A return to and reappraisal of the common foundations of law would protect German legal scholarship against the dangers of overspecialised, narrowly focused research. It would also help to create and maintain unity within the discipline and to increase the quality of research.

II.1 Future Challenges Faced by Legal Research

In view of the close connection between legal theory and practice, the future success of German legal scholarship will depend on the discipline's ability to recognise and understand crucial changes in the structure of law. The increasing juridification of societal developments (*Verrechtlichung*), new forms of lawgiving and norm-creation which lead to novel ways of applying law at the national and international level, combined with the Europeanisation and internationalisation of law, all constitute developments whose effects must be studied systematically. To this end, German legal scholarship will have to adapt structurally. First, a shift of emphasis from specialist, applied knowledge to a more comprehensive knowledge of the disciplinary and extra-disciplinary context, achieved through in-depth engagement with the common foundations of the law, will need to form part of this adaptation. Second, it is necessary to strengthen interdisciplinary approaches and integrate perspectives from related disciplines. Third, German legal scholarship should become more international both in terms of its research and its personnel (regarding academic personnel compare chapters B.II.2 and B.II.3).

|[26] Cf. chapter B.I.3 on the contents of legal foundations.

Taking these shortcomings into account, the German Council of Science and Humanities recommends that the number of professorships in the foundational subjects should at least be maintained and that, if faculties possess the resources to hire new professors, they place particular emphasis on these disciplines. Law faculties should also ensure that when chairs become available in the foundational disciplines they are not transformed into doctrinal chairs, thus running the risk of creating an overspecialisation in these subjects. Regardless of faculty size, a core of foundational disciplines should be represented at all law faculties in order to ensure the provision of comprehensive knowledge about the disciplinary and extra-disciplinary context. The German Council of Science and Humanities welcomes the fact that chairs dedicated to the foundational disciplines are once again being filled at several universities across Germany. In addition, the German Council of Science and Humanities recommends that faculties appoint candidates who possess substantial experience in teaching foundational subjects. Professors who teach these subjects are responsible for training early career researchers. In order to ensure continuity in these subjects, knowledge and research in the foundational subjects must be built up and passed on. The professors' ability to fulfil and carry out this task, however, depends on the willingness to make sufficient financial and personal resources available.

A stronger engagement with the foundational subjects makes possible a more intensive exchange between law and related disciplines in humanities and social sciences, which share similar methodological approaches. Such an engagement may increase the dynamism of legal research and makes it easier for other disciplines to benefit from its insights. At the same time, legal scholars should ensure by means of interdisciplinary cooperation that they are aware of the research produced by other disciplines on law-related matters, such as environmental, socio-economic, political, cultural and technological topics. Such cross-disciplinary exchange is becoming increasingly important in order to actively shape and correctly apply laws in society.

(Re-)directing research questions in this manner may also contribute to a better understanding of new legal forms, new processes of lawgiving, and new ways of applying the law. In this context, an important field of legal research is concerned with the emergence and the effects of law within society from a number of different angles, studied from a range of different disciplinary perspectives (known internationally as "Law and Society"). The German Council of Science and Humanities therefore thinks it necessary that German law faculties should develop and secure competencies in these fields by providing sufficient resources. Studies which contextualise legal knowledge range from analyses on the effects of laws or administrative practices, to research into the modern judiciary system, and research on the reception of judgements pronounced by the

European Court of Justice or the European Court of Human Rights in different legal systems.

Like other disciplines, law increasingly uses databases and database-supported online tools and information services. On the one hand, these make research considerably easier; for example, summaries of newsletters published on particular legal sub-fields can now be read online. On the other hand, the increasing practical relevance of computer-based databases collecting precedent cases poses a great challenge to legal research. Almost every high-level court decision regarding a particular issue can now be accessed online. A lack of time, the wealth of available material, and the pressure to be efficient may tempt courts into considering primarily those precedents that are easily accessible online. Even lawyers are following this trend, running the risk that jurisprudence becomes increasingly self-referential. Legal research is charged with the task of methodologically analysing and scrutinising these cases in a manner that both organises and corrects the material, keeping in mind the systematic nature of the law and maintaining a critical distance to the work of the judiciary, while remaining open to innovative approaches. The impact of digitalisation on court decisions should be researched more carefully in order to be able to advise practitioners and lawgiving authorities with a view to safeguarding the stability and systematic organisation of the legal order.

Legal scholars frequently carry out consulting and arbitration functions. Although such work may sometimes take the form of *pro bono* work, it is usually paid. The Law on Secondary Employment regulates the amount of consultative functions that academics may carry out. Nonetheless, the immediate practical effects of such services pose a risk to the independence of legal research. It is in the interest of the discipline's good reputation that the possibility of conflicts of interest arising be averted from the outset: This could be done by means of having clear rules and regulations. Regulations should also be formulated to clarify that, while constituting a service that follows naturally from the individual's expertise as a legal scholar, consultancy work may in no way hinder or compete with the individual's main profession as a professor. Consultancy work is one of the societal functions that legal scholarship is charged with and it may contribute to scholarly analysis. But consultation and arbitration services, albeit permissible under public employment law, may in no way compromise research or teaching responsibilities. The German Council of Science and Humanities holds the belief that it is the duty of the professional associations to create appropriate regulations to clarify this.

II.2 Recommendations on the Structure of German Legal Research

The discipline of law in Germany is organised around teaching chairs. Compared to other subjects like engineering or medicine, chairs in law faculties re-

main relatively small, and are usually comprised of only one professor and a small group of one to three assistants. This form of organisation promotes a unique sort of intellectual productivity, which becomes effective in research that is most commonly published in single-authored publications. The focus on individual research also means that professors are rather dependent on their universities making sufficient research funds available. At the same time, this structure also provides chair holders with the possibility of organising and distributing the workload and their staff in a manner that makes possible the production of handbooks, commentaries, and larger editing and publishing projects. Such projects are frequently realised with external funding, usually provided by the German Research Foundation. Legal research which relies on cooperations with foreign partners, and projects which require large amounts of scholarly coordination (such as extensive, multi-volume commentaries) are usually funded by private donors.

Sufficient funding is a prerequisite for ensuring that legal research does not become overly determined by practical demands. This may be the case, for example, when scholarly publications arise on the basis of consultancy work. Incentives of this kind exist primarily within those fields of law that are financially powerful, such as commercial, business or tax law. Accordingly, other areas with an equally strong need for academic research and consultation like social security or educational law, receive much less attention. The needs of practitioners thus create a tension in the discipline. On the one hand, the demand for expert opinions is particularly strong in those fields that are most closely tied up with the economy; on the other hand, the lack of societal demand for expert opinions in other sub-fields of law does not mean that there is no need for such advisory activities.

With the growing importance of legal studies as an academic subject, the role of UAS in contributing to legal research is becoming an increasingly important issue. The division of labour between UAS and universities is usually defined along topics and specialisations. Although UAS professors often have to teach more hours per week than those at the universities, they also do research in their fields of specialisation, such as social, commercial, or tax law, meaning that the UAS contribute to legal research in many different ways. Recently, many UAS have started to receive a growing number of applications from candidates who have completed a *habilitation* and who wish to take on PhD students. With regard to these developments, the German Council of Science and Humanities repeats what it has already recommended elsewhere – that universities and UAS set up platforms for collaboration where they can discuss common research projects, the training of early career researchers, and joint degree courses designed in cooperation with third parties (such as private businesses or research institutes that are not affiliated with a university). In this context, the Council deems it necessary that talented graduates of UAS should be offered the

possibility of pursuing a doctorate degree. The German Council of Science and Humanities urges law faculties and their admission offices to consider UAS degrees on a par with university qualifications of the same level. |[27]

Alongside universities and UAS, Max Planck Institutes (MPI) constitute important hubs for legal research. MPIs are internationally perceived to be high performing research centres, whose work is considered very influential. |[28] *Inter alia,* these institutes have overseen the publication of some of the most important and comprehensive multi-volume legal handbooks and encyclopaedias. They also actively consult on a number of legal questions and publish expert opinions for use by the courts. The institutes deliver services to legal scholars and practitioners both in Germany and abroad by providing specialist libraries and databases, and carry out important comparative research. Through their scholarship programmes, they build and maintain relevant international contacts and networks. Consequently, they form important networking nodes for national and international researchers, and particularly early career researchers. For this reason, the German Council of Science and Humanities stresses the importance of close cooperation and mutual exchange between higher education institutions and Max Planck Institutes, particularly with regard to communicating legal knowledge and research problems to students.

At the universities, it has been possible to observe a tendency by chair holders to isolate themselves from their peers. The German Council of Science and Humanities holds the opinion that a more active exchange between scholars – also with a view to overcoming the dysfunctional separation between doctrinal and foundational subjects, and between theoretical and applied research – could produce important synergistic effects. As is already being done in a number of faculties, the organisation of regular colloquia, seminars, and other forms of academic debate has proven to be an effective way of stimulating more intensive academic exchange. Moreover, faculties should aim to invite visiting lecturers for extended periods of time, and ensure that they are integrated into the academic process (fellowships, summer schools). In order to make this possible, faculties will have to be willing to supply the necessary teaching and research resources. Faculties might also consider joint-appointments for visiting lecturers, who would then be affiliated with two different faculties at once; in order to make this possible, dual faculty memberships would have to be introduced,

|[27] Wissenschaftsrat: *Empfehlungen zur Rolle der Fachhochschulen im Hochschulsystem*, Cologne: Wissenschaftsrat 2010.

|[28] This view is supported by those representatives of legal professions, academics, national and international experts, who participated in the hearings of the Council's working group "Prospects of Legal Scholarship in Germany".

which would simultaneously strengthen the possibility of interdisciplinary exchange.

The German Council of Science and Humanities holds the opinion that the diversification of legal faculties is in the interest of research quality and would also bring about a greater variety of approaches. In Germany, the discipline of law has so far remained very homogeneous with regard to its academic profile. Women remain significantly underrepresented, particularly in executive positions, and the share of female professors is smaller than in other subjects (cf. A.I). In order to increase the diversity of approaches in legal scholarship, career paths should be laid out in such a way as to improve the diversity of faculty members. In order to strengthen female participation across all academic positions, the German Council of Science and Humanities urges legal faculties and departments to commit to flexible quotas, based on the cascade model, as has been recommended by the Research-Oriented Standards on Gender Equality published by the German Research Foundation in 2007 |[29] and the Recommendations of the German Council of Science and Humanities in 2007 and 2012. |[30] Based on this model, institutions set their own goals to increase the proportion of women at each level of qualification. Any target set by the employer for a specific level should aim to be higher than the proportion of women employed at the level below. The Council also calls upon faculties to introduce transparent, formalised criteria in the appointment of teaching positions and other employment decisions, in performance evaluations, and in the distribution of funding. Key decision-making bodies in faculties should aim to achieve adequate, preferably equal, representation of men and women. |[31] One decisive factor for the small share of female law professors is the fact that it remains difficult to plan career trajectories in higher education. It is therefore necessary that law faculties make the process of gaining post-doctoral qualifications more transparent and predictable, so as to allow employees to start a family during these years. In order to achieve a higher degree of certainty regarding career

|29 German Research Foundation: Research-Oriented Standards on Gender Equality, http://www.dfg.de/download/pdf/foerderung/grundlagen_dfg_foerderung/chancengleichheit/forschungsorientierte_gleichstellungsstandards_en.pdf.

|30 Wissenschaftsrat: *Fünf Jahre Offensive für Chancengleichheit von Wissenschaftlerinnen und Wissenschaftlern – Bestandsaufnahme und Empfehlungen*, Cologne: Wissenschaftsrat 2012 (Drs. 2218-12); Wissenschaftsrat: “Empfehlungen zur Chancengleichheit von Wissenschaftlerinnen und Wissenschaftlern”. In: Wissenschaftsrat: *Empfehlungen und Stellungnahmen 2007*, Cologne: Wissenschaftsrat 2008, vol. 1, p. 11 – 65.

|31 The follow-up report to the campaign for greater equality of opportunities, published by the German Council of Science and Humanities in 2012, argues that the quota should be at least 40 % in order to prevent a possible gender bias in the appointment of chairs and to achieve sustainable change in committee culture.

prospects, limited work contracts should extend the employment periods they offer. Improving the compatibility of work and family life should remain a crucial element of policies seeking to promote gender equality. Existing offers in the field of child care and working time arrangements must be compatible with the real requirements of academic work in order to provide relief to parents and allow them to pursue an academic career. In addition to the usual dual career measures to support families where both spouses are working, in legal scholarship, measures relating to the extra-academic context are particularly important. In the view of the German Council of Science and Humanities, equality of opportunities cannot be realised in the faculties without a substantive change in work culture. The toolbox of the German Research Foundation includes several instruments that promote equality of opportunities in different types of academic institutions. |[32]

The percentage of foreign professors in law is also below average. One possible cause for this lack of diversity lies in the specific criteria that legal scholars have to fulfil in order to be employed in Germany. Usually, only professors who have passed the First Examination themselves are entitled to examine students – a criterion that foreign scholars do not usually fulfil. Another complicating factor is that foreign scholars rarely specialise in German law, meaning that they are not qualified to teach German law, which makes up the largest share of the law curriculum. While a number of German legal scholars have had successful careers abroad, the German system remains largely closed to foreigners. Foreign students who come here on scholarships also often find it hard to make the transition to becoming full-fledged academics.

Thanks to the German Academic Exchange Service (DAAD), the Alexander von Humboldt Foundation and the Max Planck Society, many possibilities exist for foreign academics to come to Germany as scholarship holders, on a research fellowship or as visiting lecturers. This enables foreign academics to study German law and to enter into German research environments. They enrich the domestic discussion with alternative perspectives from their home countries. While one of the most important functions of such fellowship programmes has been to encourage the export of German legal approaches and methods to other countries, German legal scholarship should also try to broaden its own perspectives by creating long-term exchange opportunities for foreign scholars, as the inclusion of foreign legal scholars may provide important impulses for German legal scholarship.

|[32] http://www.instrumentenkasten.dfg.de/.

The German Council of Science and Humanities therefore deems it important that the integration of foreign legal perspectives into the discipline should be pursued in a more systematic and sustainable way, particularly at the higher education institutions. German law faculties should therefore seek strategic partnerships with law faculties abroad and aim to consolidate them over time. Such cooperation could include agreements on regular exchanges both for students and early career researchers. The German Council of Science and Humanities recommends that private donors in particular set up programmes to fund research fellowships for visiting lecturers at the universities. Furthermore, in particular to larger faculties, the German Council of Science and Humanities recommends the appointment of at least one chair irrespective of whether or not the candidate has taken the First Examination in Germany. A foreign scholar could then be appointed to such a chair, and contribute to both research and teaching. Areas that particularly lend themselves to contribution by foreign academics are – amongst others – European law, banking law, or the foundational disciplines. Such measures would open up possibilities for faculties to increase diversity and to develop structured perspectives for the future.

Equally, German legal scholars should use existing funding possibilities to spend time conducting research abroad. The engagement with other legal systems and professional cultures would contribute to the broadening of approaches within the national research discourse. This would not only make the German system more dynamic and innovative, but also increase its international appeal and convince more legal scholars who received their training in Germany to stay here.

Since legal research is usually carried out in the mode of single authorship, it is important to provide for dense communicative contexts, which involve frequent international and interdisciplinary exchange, and to free up spaces for scholars to carry out research. The German Council of Science and Humanities therefore encourages legal scholars to take part in or to initiate more collaborative disciplinary and interdisciplinary research projects. The German Research Foundation's fellowship programme for the support and enhancement of the humanities ("*Kolleg* Research Group") is one of the programmes that legal scholars should make use of more frequently. |[33]

|[33] Wissenschaftsrat: *Empfehlungen zur Entwicklung und Förderung der Geisteswissenschaften in Deutschland*, Cologne: Wissenschaftsrat 2006, p. 90. Distinguished scholars, who work at the same higher education institution, whose research is considered to be of particular importance to the topic in question and who have exceptional experience in carrying out research projects can apply for *Kolleg* Research Groups. They may work on loosely defined topics – potentially with other colleagues – which "take up existing research interests and strengths" and offer "a framework that can help associate and integrate different research ideas". Fellowship programmes, which invite German and foreign colleagues to work with the re-

The German Council of Science and Humanities recommends that the German Research Foundation make the format of the programme more applicable to legal research by increasing flexibility with regard to the following aspects:

_ Research fellows should be allowed to work on any topic or question pertaining to legal doctrine or the foundational disciplines.

_ To ensure that research fellows do not become estranged from their normal teaching position, higher education institutions should consider allowing them to retain half of their teaching responsibilities for the duration of the fellowship.

Furthermore, the German Council of Science and Humanities recommends that scholars should be given sufficient time to carry out research. This could be achieved by creating incentives in the form of semester-long sabbaticals, awarded competitively, or by reducing the weekly teaching hours of stipend holders. It would then make sense to create substitute positions to replace professors who have gone on sabbatical.

II.3 Recruitment Practices in Legal Scholarship

II.3.a Early Career Researchers

In Germany, teaching chairs not only form the nexus of law faculties, but also constitute training centres where early career researchers prepare for an academic career. German law faculties are seen internationally as possessing well-trained and academically distinguished scholars. The affiliation of assistants with chairs makes it possible for knowledge and skills to be passed on in close communicative relationships, and allows for topics to be studied in discursive continuity and within the context of related academic fields. While the assistants affiliated with a chair work on their doctoral or postdoctoral dissertations (*habilitation*), they can focus on their research without extensive teaching commitments. Yet, one of the dangers of such close cooperation between assistants and professors is that assistants may draw nearer to the intellectual positions of “their” professors. This means that early career researchers only become intellectually independent when they are already relatively advanced in their careers, and that recruitment structures remain rather homogeneous. Given the previously addressed need to diversify staff profiles and intellectual perspectives in German legal scholarship, the German Council of Science and Humanities

spective research group for a period of up to two years, constitute important instruments for this particular funding format.

expects higher education institutes to recruit more broadly, in order to increase the internal diversity of German law faculties.

Legal careers have hitherto followed relatively homogeneous pathways. Future academics generally start out by assisting a professor, while simultaneously completing their *habilitation*. In most cases, they are eventually appointed to a chair of their own. Alternative career paths like the Research Training Groups offered by the German Research Foundation play a relatively insignificant role in academic recruitment; similarly, as in a number of other academic disciplines, the newly introduced academic rank of junior professor, intended to improve the position of teaching assistants affiliated with a chair, is not considered an equivalent pathway to full professorship. In order to become a full professor, junior professors are still expected to have completed the *habilitation* thesis. As a result, junior professors often have to write their *habilitation* thesis while pursuing the same responsibilities as full faculty members. Yet, alternative pathways to *habilitation*, like completing the *habilition* not in the form of one long thesis, but as a series of shorter publications, could be introduced in order to accommodate for a number of different academic and personal life circumstances. For example, there are a number of subjects and research questions, where it may be necessary to publish research results throughout the research process in order to allow for the continuous development and adaptation of theoretical frameworks. One can also imagine a number of personal circumstances – for example when candidates need to look after children or care for elderly family members – where a serialised *habilitation* would be more suitable to the candidate's lifestyle. In such cases, the dissertation could be divided up and published in serialised chapters (cf. part B.II.2 on measures to increase the share of women who hold teaching qualifications). Articles and monographs published in such a way fulfil the requirements for the conferral of a *habilitation* if they are of sufficiently high academic standard. As current educational laws present no obstacle to such a practice, faculties should make more frequent use of it.

The research interests and exceptional expertise of participating academics make the Max Planck institutions important spaces for intellectual and interdisciplinary exchange. This also has beneficial effects for early career researchers working in the International Max Planck Research Schools. These schools provide the critical intellectual audience needed for certain dissertation projects and topics – for example in legal history –to be received and discussed in a wider disciplinary framework. In order to be able to offer a comparable intellectual framework, the German Council of Science and Humanities recommends that law faculties apply to the German Research Foundation to set up Research Training Groups.

It is more common for doctoral candidates in law to have taken up remunerateed work and to then return to a higher education institution in order to start or complete a doctoral dissertation than it is for those of other disciplines. This practice can be beneficial for the discipline insofar as it keeps academia and practice closer together. It can, however, also pose a risk when institutionalised links between the work places and academia are weak. The German Council of Science and Humanities has repeatedly warned that external dissertations pose a particular challenge to those charged with supervision – especially when research is carried out part-time and is thus frequently interrupted due to the non-academic workload. |[34] Such situations can lead students to discontinue the academic exchange, and thus makes it difficult for supervisors to truly observe and accompany the research progress.

Beyond the measures laid out by the German Council of Science and Humanities in its position paper to ensure the quality of doctoral dissertations |[35], a number of rules should be obeyed to safeguard and improve the quality of research projects that lead to the conferral of an academic qualification:

_ Candidates must have received at least one "fully satisfactory" (9 – 11.5 out of a total of 18 points) or better in one of the two state examinations. (On average, 20 – 30 % of students achieve this grade in either of the two examinations).

_ Candidates must be able to demonstrate that they participated in classes which teach academic good practice.

_ Candidates must be able to demonstrate that they participated in graduate classes and/or research colloquia in which they were asked to present and discuss their own doctoral research.

By reading, at regular intervals, random samples of completed dissertations within a faculty, independent peers should externally supervise the quality and grading of doctoral dissertations. Such external peer reviews can be arranged by the faculties themselves or by the higher education institution.

The conferral of *habilitation* status on a student upon completion of his or her *habilitation* thesis should not be dependent upon having published in areas that form part of the obligatory law curriculum. Avoiding such criteria would make it possible for early career researchers to focus their research on areas other

|34 Cf. Wissenschaftsrat: *Anforderungen an die Qualitätssicherung der Promotion. Positionspapier des Wissenschaftsrates*, Cologne: Wissenschaftsrat November 2011 (Drs. 1704-11), p. 21.

|35 Ibid.

than core areas, thus contributing to a more diverse range of research questions.

II.3.b Recruiting Law Professors

Each appointment of a new professor reflects a lasting decision taken by the higher education institution regarding the importance attributed to particular subjects as well as the importance given to the specific discipline in question. In addition to the originality of a professor's academic work, appointments should also reflect a number of other factors that are important in strengthening research performance. The following criteria will help to ensure intellectual diversity within the discipline, and strengthen its ability to undertake and promote creative and innovative research:

- Candidates should not be obliged to be able to demonstrate that they have published in all the sub-fields a specific chair or a university's area of specialisation encompasses. Instead, original research should be given greater importance in the recruitment process than purely descriptive papers which deal with new legislation in a particular field, comments on existing case law, or on individual court decisions, or second or new editions of previously published work. Candidates should be required to submit a limited selection of their publications during the appointment process.
- It should be considered a mark of quality if the candidate has earned a degree in a discipline other than law. Similarly, the additional degrees earned at a foreign higher education institution after a prolonged stay abroad (e.g. LL.M, SJD) or publications on foreign legal systems in languages other than German should be seen as an advantage.
- It should be counted favourably if the candidate has prior work experience and has thus gained insight into the practical application of the law.
- Candidates' participation in international academic discourses, close connections to other legal systems, and/or experience in cooperating with foreign partners should also be regarded positively.
- Academic experiences that go beyond partaking in activities offered at the candidate's home university should be counted in the candidate's favour. These include cooperation with other universities, participation in interdisciplinary projects that span several universities, academic study abroad, and fellowships at centres for advanced study, or similar institutions.

II.4 Ensuring and Evaluating the Quality of Legal Research

In Germany, the assessment of research performance with a view to improving the management of institutions and the transparency of higher education fund-

ing has been the object of intense debate in academia and higher education policymaking during the last few years. Legal scholarship has participated in these debates.

As shown in A.II.1, to date, no reliable studies exist that evaluate the quality of legal research. The German Council of Science and Humanities therefore holds the opinion that representatives of the discipline should formulate framework conditions and requirements for a formalised, transparent evaluation process with criteria that are geared specifically at legal studies research.

This also means that representatives of the discipline should discuss how best to distinguish and assess legal academic publications (cf. B.IV.1). A first step consists of gaining an overview over the topography of the existing structure of German legal research and obtaining a more sophisticated understanding of the focal points and thematic specialisations of the different German higher education institutions, especially where they extend beyond the specialisation required for the First Examination. The Council's experience with structurally assessing individual subjects has shown that in-depth knowledge of the research landscape is advantageous when trying to strategically align faculties and universities. |[36]

Legal scholarship uses a number of different instruments to reward high-quality research. As shown in B.II.3.b, two of the most important instruments are a) its recruitment practices, which ensure that available positions are filled with scholars who have published original and outstanding research, and b) its academic publication reviewing culture, which increases awareness of publication standards and which can function as a filtering mechanism (see below for more information). The German Council of Science and Humanities is of the opinion that representatives of the discipline need to come to an agreement as regards quality standards and appropriate evaluation procedures within the discipline. The Council therefore recommends that the relevant professional associations take the initiative for creating these standards and procedures. The associations should also consult with the German Jurist Faculty Association, which is the official representative of the law faculties and departments, and deals with developments and problems in higher education that concern all universities and federal states (*Länder*).

High quality legal research is marked by its originality, relevance, independence, and, at least in the field of positive law, ability to anticipate future devel-

|36 Cf. Wissenschaftsrat: *Empfehlungen zur vergleichenden Forschungsbewertung in den Geisteswissenschaften*, Cologne: Wissenschaftsrat 2010 (Drs. 10039-10); Wissenschaftsrat: *Steering Group Report on the Pilot Study Research Rating in Chemistry and Sociology*, Cologne: Wissenschaftsrat 2008 (Drs. 8422-08).

opments in the law and jurisprudence. Since legal scholarship is concerned with norms, scholarly progress does not simply refer to the production of original knowledge, but aims also at securing and integrating existing knowledge into new contexts. The most innovative research often emerges when a number of different legal fields meet. The originality and independence of research in the foundational disciplines must be assessed by examining the quality standards of the related social science or humanities subjects, i.e. sociology, philosophy, psychology, history, etc. The criteria for high-quality legal research are the same as in the humanities, social sciences or cultural studies. Arguments and results must be internally coherent, the different steps of the argument should be easily traceable, rational, and methodologically sound, the field in question should be surveyed and considered in its entirety, relevant literature should be used and referenced, and there should be in-depth engagement with positions contrary to one's own. Simply taking recourse to whatever is considered "authoritative opinion" |[37] or "authoritative teaching" does not contribute to academic progress.

Published expert opinions (from now on simply "expert opinions") are of a certain importance to research and their role in furthering academic progress should not be underestimated. Unfortunately, it is not always immediately evident whether an academic publication is based on a commissioned expert opinion. In order to allow readers to judge a publication's academic value, potential conflicts of interest should be made explicit. The German Council of Science and Humanities therefore holds the opinion that economic or other vested interests held by either party, i.e. those who commissioned the expert opinion or those who produce it, should be made transparent in the interest of academic good practice. The German Council of Science and Humanities recommends that publications based on commissioned expert opinions should be clearly marked as such and that the names of those who commissioned the expert opinion should be made public. If those who commissioned the expert opinion are private individuals, at least the nature of their interests should be disclosed. If such information cannot be provided, authors should refrain from publishing altogether (cf. the recommendations in B.II.1).

Plagiarism, defined as the wrongful appropriation of another person's work or ideas, violates academic good practice. Plagiarism also refers to the publishing of texts under one's own name or as the sole author if the text has been prepared or written collectively. All contributions to a text should be mentioned, with the exception of contributions or activities deemed to be of an exclusively

|[37] "Authoritative opinion" refers to that interpretation which prevails in case law and academic literature at a given point in time.

auxiliary nature. Self-plagiarism, defined as the recycling of significant portions of one's own work without proper acknowledgment, constitutes bad academic practice. Creating the necessary framework to detect plagiarism is the responsibility of law faculties as much as avoiding plagiarism is the duty of each academic.

It is one of the fundamental assumptions of peer review processes that colleagues working within the same field are most capable of assessing the quality of another scholar's work. Literature reviews and professional assessments of academic achievements (such as published theses, books published as part of a series, journal articles, eligibility assessments for project funding, or recruitment processes) are important instruments in evaluating and safeguarding academic quality. The high level of interconnectedness within the discipline makes it possible to assess the quality of a certain publication using disciplinary assessment mechanisms. In law journals, it is often only the publisher, supported by an advisory board, who is responsible for assessing the quality of contributions. The publishing board may bring outside experts into the review process. The German Council of Science and Humanities would like to point out that narrowing the review process to a very small number of people can lead to greater dependency on individual judgements. In law, the risk that scholars tend towards mainstream opinion is particularly high and may bring about the impoverishment of alternative ways of thinking. The risk is greater than in other disciplines because "authoritative legal opinion" is often called upon to justify the need for continuity in legal practice, itself believed to rest on continuity in legal thought. There are many reasons why greater value should be attached to qualitative discourses that can bring about a new culture of constructive controversy. Conferences and literature reviews are important spaces where such paradigmatic discourses can take place. Still, the present review culture needs to be improved. Currently, reviews are almost exclusively prepared by specialists of one particular field and tend to be confined to a closed circle of recipients. Furthermore, decisions which literature should be reviewed more often than not are not taken as the result of a systematic selection process. The recent past has seen the "academic reviewing culture" descend into publication reviews primarily fulfilling the function of publicising and advertising a new publication. In publication reviews, content summaries tend to dominate over critical analysis. Reviews thus no longer sufficiently fulfil their function of safeguarding and assessing the quality of academic work. The German Council of Science and Humanities therefore regards it as necessary that exchanges between members of the discipline be intensified, as these form part of a process of systematic self-assessment, and that public and non-public (peer review) mechanisms of self-assessment are once again strengthened. The German Council of Science and Humanities would further like to remind publishers of the important function of reviews, and ask them to increase their efforts to procure

high-quality publication reviews on important legal works written by experts in the field (cf. B.IV.1).

Bibliometric methods are not sufficiently capable of measuring research performance in legal scholarship. Citations do not necessarily measure the importance of a publication or document or the degree to which an author's thought is original. They may, however, serve to give further information regarding a certain problem, and direct the reader to further literature. It is common practice amongst legal scholars to cite ideas that are considered wrong or contradict the author's own opinion. At the same time, legal commentaries and practitioner's commentaries are probably the most frequently cited legal publication genres. It would therefore be inappropriate to privilege certain publication types through citation analysis. The German Council of Science and Humanities recommends that new editions of commentaries, manuals, and textbooks are only considered in quality assessments if they do not simply update older versions by including more recently published scholarship and case law.

II.5 Research Infrastructures in Legal Scholarship

As with the social sciences and humanities, different types of research infrastructures are in use among legal scholars and practitioners. |[38] For example, universities with a long tradition of teaching law often hold rich historical sources, specialist libraries, and collections which may be of interest to international audiences. The German Council of Science and Humanities emphasises that specially trained, qualified personnel is required to take adequate care of these collections and to make them available to researchers.

Digitalisation has led to a multitude of alternative methods of publishing texts and making them otherwise available. This development should be considered when funds are distributed to different forms of research infrastructure. For example, court rulings, which form one of the central legal sources, are now widely available in online databases. Well-equipped libraries and access to online databases are essential in ensuring the continued high performance of legal research. It is absolutely crucial that research databases with access to national legislation are, at the very least, available throughout the whole of Germany. The most important international databases should also be available to all. As in other subjects, the higher education institutions should make the necessary arrangements with the education ministries on the federal and state levels to ensure access and availability for all. In order to establish and manage the

|[38] With regard to the term "research infrastructure" and its usage please refer to the following report by the Wissenschaftsrat: *Research Infrastructures in Humanities and Social Sciences*, Cologne: Wissenschaftsrat 2011.

communal usage of database services which require expensive licenses, license-sharing models regarding academic journals have been introduced by different library networks. These models should serve as a point of orientation for future activities. If certain international databases are particularly expensive, a nation-wide license should be purchased.

Short legal reviews in the form of electronic newsletters and other electronic information services are becoming increasingly common. These are usually international initiatives, although institutions that form part of the Max Planck Society are also very active in creating databases (particularly in comparative law).

Social infrastructures for research are particularly important in legal scholarship. Even if certain research questions must be solved on an individual basis, places of intellectual exchange promote and support the research process. In order to create such "forums for the exchange of current research questions and the development of new research topics" |[39], the German Council of Science and Humanities recommends that legal scholars apply more frequently to the German Research Foundation's fellowship programme for the support and the enhancement of the humanities ("*Kolleg* Research Group") (cf. B.II.2).

B.III STUDYING LAW

Forming part of the so-called professional disciplines, the discipline of law is designed to train students for a future career in one of the traditional legal professions. But, recently, it could be observed that the legal professions are undergoing a number of changes. Some positions that were previously filled by lawyers (e.g. executive boards of large corporations; executive positions in public administration) are now open to graduates of a range of different disciplines. In certain specialised areas (such as trademark law), graduates from UAS are now taking on tasks previously reserved for fully qualified lawyers – without, however, being entitled to represent clients in court.

The most important qualification that can be attained by German law students remains the First Examination – which examines students through a largely anonymised procedure and which serves as a mostly neutral and objective means for comparatively identifying the best students. In doing so, the examination supports the state in fulfilling its responsibility to recruit qualified early career lawyers for judicial administration.

|[39] Ibid., p. 20.

The following recommendations address questions regarding the scientific character of the study of law in Germany in the context of wider questions regarding a more broadly understood legal education. The German Council of Science and Humanities sees the study of law as a vital element of legal education. With this in mind, the German Council of Science and Humanities will outline its recommendations regarding the further development of the discipline. These recommendations remain restricted to the nature of the state examinations. Other formative elements of legal training, such as the two-year period of practical training known as the *Referendariat*, are excluded from this discussion. The Council may take up these and other issues of legal training elsewhere.

According to the German Council of Science and Humanities, the aim of the study of law should be the thorough acquisition of skills in three areas: the application of the law, the active creation and implementation of the law, such as drawing up new legislation or drafting contracts on the basis of existing legal norms and statutes, a process that is referred to in German as *Rechtsgestaltung*, and the provision of legal advice. Prospective lawyers and other legal professionals need to be able to adequately apply the law in order to solve legal problems. The ability to skilfully draft and implement laws is of great importance with regard to the demands of legal practice, for instance when working for corporations or in public administration. Providing good legal advice, in turn, requires the ability to reflect on the scientific and professional limits of legal work. Given the current structure of the discipline, especially with regard to the centrality of the doctrinal subjects and the large amount of material that students need to cover, reflexive elements are often neglected. In this context, the German Council of Science and Humanities sees a need to change the legal curriculum, its teaching methods, and the content of the state examinations. It sees a particular need for action in the following areas: academic reflection, practice-oriented courses, and the area of specialisation chosen by each student (*Schwerpunktbereich*). As a general rule, legal curricula offered at law faculties must be designed in such a way that students can successfully complete them without recourse to private preparatory courses.

III.1 The Increasing Differentiation of Law Degree Programmes

The difference in law teaching offered at the universities and at the UAS is largely functional. In particular, careers in the public administration of justice (such as judges or public prosecutors) require a more comprehensive and generalist approach to law – including awareness of the historicity of law and legal professions as well as a profound knowledge of the foundations of the law. Thus, students seeking to follow careers in these professions are better placed at the universities. In contrast, degree programmes offered at the UAS are characterised by a close relationship to occupational settings and are designed to transmit specialist legal knowledge. In line with their institutional profile, the

UAS contribute to academic education by offering degree programmes that are scientifically grounded, practice-oriented, and shorter than university courses. Bachelor's and master's programmes with more than 50 % of legal content (for example in commercial or social law) prepare students for manifold professional roles – in corporations and businesses, or in the area of youth welfare or family counselling, for instance.

It is estimated that the number of specialised degree programmes at UAS will continue to rise in the future, opening up and developing new fields of activity. This is especially true for the field of health and social services. To date, more than 13 % of law students pursue courses at UAS and at private universities. Nearly 16 % of students at the universities study for a bachelor's or master's degree. In total, 30 % of students do not intend to take the First Examination (cf. A.I). The Higher Education Pact 2020 envisages that particularly the UAS ought to take in more law students. |[40] In line with their profile, UAS should design and develop curricula that convey legal knowledge tailored to professional careers, for instance in business or welfare. During this process, UAS are faced with the challenge of having to structure and delimit the proliferation of specialist law degrees. At the same time, the discipline as a whole needs to confront the fact that it can no longer restrict itself to one professional model in order to preserve its disciplinary unity. |[41]

Student-teacher ratios in legal studies have improved slightly from 2000 to 2010 (Chart 18). Yet, the need for further improvement remains – both in absolute numbers and in comparison with other academic subjects. The subject of law, in particular at the universities, experiences high demand and continuously high enrolment numbers; lectures with several hundred students are thus the rule rather than the exception. As a result, it will be difficult to put into practice small-scale law courses with the intensive support that is required for the implementation of seminars and small working groups. Currently, law faculties in Germany differ significantly in terms of capacity. On one side, there are those faculties that are highly sought after by students. On the other, there are those faculties with capacities and resources that have not yet been sufficiently

|40 Gemeinsame Wissenschaftskonferenz (GWK): *Hochschulpakt 2020. Bericht zur Umsetzung in den Jahren 2007 – 2010 und Jahresbericht 2010*, GWK Materials Vol. 27, Bonn: GWK 2012. One key aspect of the Higher Education Pact is to increase the number of first-year students at the UAS.

|41 The analysis of theology has shown that even when the number of students remains constant, the final degree choice can vary significantly. The findings point at changes in the demands of students that are both internally and externally motivated. The results of the study offer a basis on which the professional disciplines can design their study courses and their content. Cf. Wissenschaftsrat: *Recommendations on the Advancement of Theologies and Sciences Concerned with Religions at German Universities*, Cologne: Wissenschaftsrat 2010.

exploited. Generally, student-teacher ratios can be improved by changing the structure of law teaching in such a way that lectures are increasingly replaced with more seminars taught in small groups.

Given the current circumstances and structure of German legal scholarship, the Council sees immediate possibilities to improve study conditions by redesigning the traditional approach to teaching law. For instance, lectures and tutorials could be reorganised in such a way as to integrate more case law, which plays a central role in legal training. In addition, the German Council of Science and Humanities envisages the possibility of reducing the number of compulsory subjects required for the First Examination in order to free up capacities for seminars and other small-scale lecture formats, such as colloquia or working groups (see B.III.3). Seminars should be held by academic professors and lecturers on a weekly basis in order to guarantee an intensive interaction between teachers and students.

Law degree programmes have become increasingly differentiated. Since the introduction of bachelor's and master's degrees, the discipline has witnessed the diversification of its student body. Students who study law as part of a joint or even a multiple-subject degree enrich the discipline as a whole. The German Council of Science and Humanities appreciates this diversification of degree programmes because it leads to a diversification of perspectives, and thus enriches academic debates. The Council encourages law faculties to develop further degree programmes that correspond to the diversification of legal careers, and to offer a wide range of qualifications with legal content.

III.2 Promoting Critical Thinking in the Study of Law

Practitioners generally consider the quality of Germany law teaching to be very high. |[42] Yet, faced with an ever more complex legal practice as well as increasingly specialised legal careers, the German Council of Science and Humanities considers it necessary that prospective lawyers and other legal professionals are taught to critically engage with legal texts. This will not only ensure that students maintain a critical distance to the material, it also encourages them to develop critical and reflective personalities. Legal practitioners have also repeatedly stated the need for students to be better prepared with regards to the foundations of law and legal methodology – a problem that cannot be remedied either by imparting even more specialist, job-oriented knowledge or by narrowly focusing on legal norms and the correct application of the law.

|[42] This assessment is based on consultations with those representatives of legal practice, who were consulted within the context of the working group "Prospects of Legal Scholarship in Germany".

Seen against the backdrop of these expectations, legal scholarship puts too much emphasis on transmitting positive norms and applied knowledge, and on teaching students how to solve legal cases. This characteristic is partially owed to the importance assigned to a deep understanding of legal doctrine, and partially due to the need to prepare students for legal professions. It is, however, one of the traditional strengths of a German legal education that it teaches students how to systematically structure large amounts of data and quickly weigh its importance. While the development of such skills is indispensable for the exercise of a number of legal professions, law teaching should not be confined to the one-sided transfer of norms and applied knowledge. The faculties, however, are confronted with the problem of having to offer obligatory law courses whose content is determined by the state examinations. Considering the constantly growing amount of material and the fact that the longevity of legal norms seems to be decreasing, it also seems as if the limits of what students can reasonably be expected to know have been reached. |[43] The large amount of material to be covered and the focus on solving cases are further reasons that preparatory courses (*Repetitorien*) are in such high demand. The German Council of Science and Humanities thus recommends that faculties create a didactic practice which combines knowledge acquisition with critical reflection. Faculties should develop concepts for a broad and encompassing legal education (*Juristische Bildung*) in order to systematically strengthen the transfer of contextualised and foundational knowledge as well as the methodological competence needed to comprehend structural and systemic interrelations. Strengthening these aspects would also free law teaching from too detailist knowledge.

Scholarly and practical aspects of legal training should be combined in order to promote skills in the application of law, lawmaking and implementation, and in the provision of legal advice, as described above. It is not desirable that students are forced to specialise early on in their studies – neither with regard to the goal of increasing reflective competencies and critical thinking, nor with a view to preparing students for legal practice. Seminars have proven to be a reliable format for the training of reflexive competencies and the fostering of critical thought. This format allows students to acquire and deepen their knowledge through intensive discussion in small groups. In contrast to large lectures, seminars present a teaching format that emphasises students' own initiative, and active, reflexive learning. For this reason, each student should have the chance to participate in at least two seminars taught by a full professor. The German Council of Science and Humanities welcomes competition for innovative teach-

|[43] Cf. in this context a study by Andreas Vöttiner, Andreas Woisch (eds.): *Studienqualitätsmonitor 2010. Studienqualität und Studienbedingungen,* Hanover: HIS 2012, according to which students of legal studies and medicine in particular are confronted with excessive amounts of learning material.

ing concepts led by private research funds as long as these concepts follow the aforementioned principles of a broad and comprehensive legal education. Law faculties are encouraged to participate in internal university competitions to improve the legal curriculum.

Some law faculties in Germany already offer teaching formats that impart positive norm and applied knowledge as well as critical-reflexive skills. For instance, some faculties simulate court procedures in moot courts with the participation of judges, professional lawyers, notaries or in-house lawyers working for different companies; they integrate courses in academic research and writing into their lecture lists, or set up so-called legal clinics where students practice giving legal advice under the supervision of professionals. Such offers not only strengthen the practical component of law teaching, but also help students train academic techniques by improving their research skills and by promoting independent, critical thinking as well as verbal and written reasoning skills. The German Council of Science and Humanities holds the opinion that such activities should not be limited to a few institutions, but should rather serve as models for law teaching everywhere.

Tightening the discipline's relationship with legal practice through cooperation with legal practitioners would further improve law teaching. This not only means that students complete internships during their studies, but also that legal practitioners start teaching courses at higher education institutions. Such courses should not serve to impart applied knowledge (e.g. specialist knowledge pertaining to specific areas of law), but should foster topical, problem-based teaching and learning. Stronger ties to legal practice should not simply lead to practitioners' involvement in certain courses relating to their field of specialisation. Rather, the goal would be to incorporate more practice-oriented courses into regular lecture series taught by professors in order to encourage students to reflect academically on legal practice.

III.3 The Curricular Design

The following recommendations are intended to contribute to the refocusing of the study of law and to give faculties fresh impetus to redesign their curricula. The German Council of Science and Humanities generally holds the opinion that, in future, the foundational subjects and legal doctrine should be taught in an integrated, rather than a complementary manner. This will sharpen reflective skills as well as increase students' knowledge of the respective subject. Moreover, the foundational subjects should not be taught exclusively during the first semesters, only to then be considered "completed", but should remain present throughout the remainder of the programme. Introductory courses remain an indispensible source of necessary basic knowledge. It is important that skills such as the ability to question and reflect on norms and applied knowledge as

well as on the doctrinal systematisation of law – skills which are mostly transmitted in the foundational subjects – must remain present throughout the entirety of the degree programme in order for students to be able to logically relate such skills to progressively acquired knowledge in different areas of the positive law. All law faculties must lay these necessary foundations and provide a general overview of the law and its application. |[44]

In order to consolidate the academic quality of legal scholarship, it is necessary to restructure the areas of specialisations, which were introduced in 2002 to deepen the students' knowledge of one particular subject, thereby seeking to make legal curricula more practice-oriented. Ultimately, the grade acquired in the specialisation subject makes up 30 % of the total mark in the First Examination. The introduction of specialisations made it possible for faculties to focus on certain broad areas of law, such as international law, commercial law, financial law, consumer protection law, and sub-fields of law, such as maritime law or the international law of the sea. Although there are exceptions, specialisation subjects often do not meet the ideal of a critical and comprehensively conceived legal education. One reason for this is the way in which specialisation subjects are taught, being considered merely an "add-on" to the material required for the First Examination ("breadth not depth"). Many faculty representatives have therefore come to the conclusion that the focus in the specialisation subjects should lay primarily on teaching students to work scientifically.

The German Council of Science and Humanities shares this understanding and believes that the format of specialisation teaching needs to be redefined. Specialisation subjects should seek to exemplify legal teaching by deepening and contextualising specific legal materials ("depth not breadth"). Completing a specialisation is a prerequisite for the First Examination. However, as the subject itself does not form part of the examination, there is considerable flexibility in the design of the specialisation subjects. Such subjects could include seminars or small group colloquia that focus on academic debate, independent project work, or students could be examined by means of extended essays. These subjects could also experiment with shorter writing formats (e.g. essays, book reviews). Such a return to academic methods, which require independent work on unfamiliar topics, is an opportunity for students to actively develop their indi-

|44 For legal history, this may refer to a broad overview over different periods in law-giving since antiquity; for legal philosophy and theory, it may refer to an overview over the most influential movements in the intellectual history of law and the critical reflection of basic terms such as norm, validity, or justice. It could also refer to the critical inquiry into basic concepts, such as the relationship between law and morality. For legal sociology, it could refer to an introduction to the history of science, and central topics such as methods, the concept of law, the effectiveness of law, judicial research, law and social integration, or gender perspectives.

vidual academic profile and knowledge. Classes taught jointly by two professors (co-teaching) could be offered as an additional teaching format, with each professor presenting a different methodological approach. At the same time, these subjects should also be used to train students to adhere to academic good practice.

The following suggestions are by no means exhaustive; one can conceive of many more approaches for the redesigning the current academic curriculum. They neither exclude each other, nor are they to be understood in a simply additive manner:

1 – Strengthening the Foundational Subjects Through Interdisciplinary Cooperation

The ability to critically reflect on the law, both in theory and practice, does not merely depend on a sound knowledge of legal scholarship, but often also depends on insights produced within other academic disciplines. Neighbouring disciplines – particularly philosophy, history, sociology, politics, psychology and criminology – use different methodological approaches. Engagement and interaction with these disciplines thus has the potential to stimulate different ways of thinking, engagement with different methods, encounters with different research results, and new perspectives on one's own subject. Interdisciplinary engagement prompts reflectivity, and allows for a better understanding of the complexity and multifaceted nature of both legal practice and positive law. Hence, students should be encouraged to take courses at different faculties. Consequently, performance records awarded by other faculties should be recognised by law faculties. Knowledge of the foundational subjects could be enriched through increased cooperation by means of joint appointments in two (or more) faculties and cross-faculty co-teaching. Courses designed cooperatively by two faculty members of different faculties could, for instance, approach topics such as the basic principles of the modern constitutional state, the history of the concept of property or the evolution of women's rights. Such forms of cooperation would broaden and enrich the academic teaching spectrum.

2 – Integrating the Foundational Disciplines with the Doctrinal Subjects in the Legal Curriculum

Selected universities should introduce pilot projects, which test ways of integrating the foundational disciplines with the teaching of doctrinal subjects. Such integration would strengthen the foundational disciplines by linking them more closely to positive law. The goal of such interconnection is to stimulate critical thinking and raise awareness about the conditions and effects of existing law, which should not be taught separately, but in a manner that integrates them and takes account of positive law. Such interconnection could be made possible by breaking down the curriculum into related "modules". In this for-

mat, students could take classes on related subjects around the same time in order to connect the material. This would, for instance, allow students to learn about a particular topic in a manner that bridges questions of criminal law and legal philosophy with perspectives of public law or intellectual history. Each topic would then be approached simultaneously with the different methodlogical approaches of the foundational as well as the doctrinal subjects. The German Council of Science and Humanities therefore recommends the intertwining of foundational and doctrinal subjects throughout the entire course of study until the First Examination, and encourages law faculties to set up pilot projects where such integrative teaching can be tested.

3 – Strengthening Comparative Approaches

Methods and knowledge that help students encounter culturally different ways of thinking and theorising the law play a vital role in the development of a reflexive distance vis-à-vis one's own legal order and of a more critical approach to the material. This holds especially true when considering the continuous growth of European legal practice. The German Council of Science and Humanities is therefore convinced that legal studies should be guided by a stronger comparative approach. In the future, the application, interpretation, and making of law will require intensive engagement with the regulatory principles of foreign legal orders as well as with national professional and academic culture. One way of familiarising law students with foreign legal orders and cultures is to open up teaching to international visiting fellows. Visiting fellows should be encouraged to teach compact courses and give lectures. Moreover, courses dealing with European and international law should increasingly be offered in foreign languages.

Prerequisites for Implementing the Above Recommendations

The recommendations for curricular redesign can only be realised if the current volume of compulsory courses is reduced. The feasibility of strengthening reflexive skills and critical thinking is closely tied to the amount of content that is tested and, therefore, taught. The German Council of Science and Humanities is convinced that the amount of doctrinal material that is currently required must be reduced in order to ensure the future quality of legal training. Consequently, the federal states should systematically reduce and condense the required amount of knowledge. The German Council of Science and Humanities recommends excluding certain topics from the First Examination. These should be certain aspects of procedural law, a number of contracts types from the law of obligations, certain criminal law offence categories and areas of special administrative law that could be left out in their entirety. Instead, questions regarding "European Constitutional Law" should be included in the examinations catalogue of all federal states, since future law graduates will be confronted with European statutory provisions in all areas of law. Prospective legal professionals

will have to be informed about the relationship between national and European law and understand the evolution of European Union Law.

Moreover, the German Council of Science and Humanities sees unused possibilities to be more flexible regarding the content of the First Examination. Professors should make use of their right to become actively involved in designing the examinations by shaping topics and questions in such a way that they reflect the ideal of a more comprehensive legal education. Many experts have asserted that the foundational subjects play almost no role in the First Examination. |[45] This is the reason why the German Council of Science and Humanities recommends integrating the foundational subjects into the First Examination by asking more substantive questions about these subjects, as is already legally required.

Further Recommendations Regarding Curricular Design

In view of the growing Europeanisation and internationalisation of the law and legal scholarship, law students must at the very least be capable of reading and understanding legal texts written in English, preferably also those in other European languages. Students wanting to pursue an academic career in legal scholarship should be capable of expressing themselves academically in languages other than their own. Hence, law students ought to possess good foreign language skills. There are already a few law faculties that offer subject-specific language courses; however, these courses are designed differently in different places. As a result, there is no reliable information indicating what skills are acquired at which level. It therefore remains unclear whether students do actually acquire the skills needed to convey information on German law or to communicate proficiently on foreign legal systems in languages other than German. Considering that very little is known about the reception and the effects of these language courses, the German Council of Science and Humanities recommends the implementation of evaluation mechanisms.

Joint degrees have proven to be a good alternative to traditional law degrees for students who wish to go beyond the national realm and work internationally. The lack of empirical data on professional careers and labour markets makes it difficult to assess whether existing degrees cover the demand for internationally trained lawyers, or whether they need to be expanded. Irrespective of the academic subject, there is a need for better data on international careers pursued by law graduates. This would allow the formulation of a strategy to make Ger-

|[45] This view is supported by those representatives of the legal professions, academics, national and international experts, who participated in hearings of the Council's working group "Prospects of Legal Scholarship in Germany".

man higher education institutions more international. In this respect, the German Council of Science and Humanities recommends that both the federal government and the governments of the federal states (*Länder*) examine the possibilities of improving the acquisition of data relating to international careers. In addition, it would be desirable to encourage further surveys on subjects like law, where international functions are often being carried out in formally national work contexts (e.g. in German branches of international law firms). Such studies would be desirable in order to properly assess the current state of affairs and would provide an assessment of potential future needs.

III.4 Teaching Lawmaking, Legal Implementation and Consultation Skills

Since legal scholarship is currently marked by a strong focus on legal doctrine, teaching skills such as correctly interpreting and applying the law have received a lot of attention. Meanwhile, skills that are necessary to actively create and implement the law, such as drafting new laws or contracts, have been neglected. Consequently, this aspect of legal scholarship currently lacks didactic concepts in research and teaching – despite the fact that regulatory and procedural knowledge constitute genuine legal competencies.

Societies are not merely governed by statutory laws – the central regulatory instruments of a democratically elected parliament – but also by legal norms and other private regulations. Moreover, societal sub-fields like the financial sector are subject to low-level regulation and are thus structured by other means of regulation. German legal practitioners are increasingly faced with a need for regulation that arises within an international context and should be able to actively participate in shaping and clarifying such areas of law. This requires certain tools. But it is within Germany's national interest that German legal professionals participate in the active development of the international legal sphere and in shaping those areas of law that are still developing.

Lawmaking and implementation skills are essential to the further development of national law in its dispute-resolving function. Several recent developments indicate changing fields of activity for legal practitioners. Legal dispute-settling mechanisms such as mediation are evidence for the fact that the law's dispute-resolution function is not only expressed through a judge's verdict. Consequently, there is an increased need for lawmaking and implementation skills in alternative areas of law, for instance in extrajudicial settlements. Legal practitioners are often involved in the legal framing of diverse life circumstances. The most common problems in legal practice concern contract design: Contracts such as licence agreements or joint venture agreements are concluded in the area of company law, while family law or the law of succession governs private life through testaments, marriage and divorce agreements. Lawyers working in different areas of public service are required to draw up legal acts and regulations;

the legal services of the parliaments or ministries draft legislative proposals. Legal practitioners are also often required to simplify existing law: Single paragraphs or even entire pieces of legislation might become redundant over time.

The German Council of Science and Humanities therefore suggests increasing the number of practice-oriented courses in order to make lawmaking and implementation an essential part of the legal curriculum. The specialisation subject is one of several formats where there is room for more practical approaches. In this context, practising jurists should teach alongside legal scholars (see B.III.2).

Political consultation is yet another important field of legal activity. Since ties between politics and law have traditionally been strong, it is important to equip students to be able to reflect on the possibilities and limits of academic knowledge in legal consultation processes. For instance, such skills could be integrated into discussions of decision-making processes in public law lectures.

III.5 The Interconnection of the Study and Practice of Law

The German Council of Science and Humanities advocates that continuing education programmes in law are introduced at higher education institutions. Such measures would help maintain the traditionally close relationship between theory and practice and would thus help prevent the emergence of a gap between legal education and practice. The goal is not for higher education institutions to offer programmes in which existing norms and applied knowledge are kept up-to-date; but instead, they are encouraged to create spaces in which legal practitioners can enter into a dialogue with legal scholars and thereby deepen and refresh their academic perspective. Continuing education measures understood in this way would correspond to the societal task of higher education institutions and would shape their individual academic profiles. Continuing education measures may take the form of conferences, compact seminars, certificate programmes or workshops.

The judiciary already provides for further training opportunities, for instance through the German Judicial Academy. Similarly, associations of German lawyers offer specialised training programmes. The German Council of Science and Humanities encourages more training organisations to offer specifically designed continuing education programmes that emphasise academic-critical methods and involve legal scholars in the discussion.

In accordance with their institutional profile, the UAS have the specific task of aligning the demands of legal practice with legal scholarly content and approaches. In this context, bachelor’s and master’s programmes have been developed which further broad professional specialisations and offer a range of possibilities on the job market for both UAS and university graduates. Thus,

newly established post-graduate degrees such as the Master of Laws are in strong demand. In theory, UAS graduates, too, can enrol for master's programmes at the universities. In practice, however, they often face significant obstacles in doing so. In order to increase mobility in this regard, the universities are called upon to guarantee non-discriminatory access to their courses. There should be no institutional barriers between different types of higher education institutions. |[46]

The UAS have generally reacted flexibly to the increasing diversity of legal careers. This results in large part from the growing involvement of such universities in providing continuing education services. For instance, UAS offer vocational training and award legal specialist certifications. In order to improve the quality of job-oriented educational programmes at the UAS, the German Council of Science and Humanities recommends the extension of continuing education programmes. For instance, it would be possible to establish part-time courses and job-oriented bachelor's programmes, e.g. in the banking or finance sector.

B.IV COMMUNICATING (IN) GERMAN LEGAL SCHOLARSHIP. PUBLICATION FORMATS AND LANGUAGES

IV.1 Publishing Practices

Subject choices and methodologies in legal research are frequently determined by the fact that the discipline of law belongs to the professional disciplines. As has been elaborated above (B.I.3), it is the duty of legal research to contribute to the stability of the legal canon and the predictability of legal norms and their application in context. This means that even established knowledge must be constantly reworked and developed further. This explains the broad spectrum of legal research publishing formats, each fulfilling a different function (see A.II.3). First, they serve as tools for the communication of academic progress and innovation. Second, legal research publications are tasked with upholding and preserving the links between academia and practice. Third, some formats feed research findings back into the study and teaching of law. But the boundaries between the different formats are fluid. Currently, it can be observed that the increasing differentiation of legal knowledge and publications (particularly due to digitalisation and the Internet) has an impact on both the content and the format of legal publishing media.

|[46] Wissenschaftsrat: *Empfehlungen zur Rolle der Fachhochschulen im Hochschulsystem*, Cologne: Wissenschaftsrat 2010, p. 67.

For several decades, journal articles have steadily grown in importance. One reason for this development is that an idea is more likely to find an audience when it is published in the form of a short article, rather than a longer format. While longer formats may be valued in academia, this is not necessarily the case in legal practice. Legal practice prefers to work with small publishing formats that address narrowly defined problems. As a result, progress in legal research is fostered predominantly through the medium of the journal article. This is especially true for those areas of positive law that are subject to rapid changes. Longer articles have gained particular importance in law journals, which are known for publishing original and innovative thought. This evolution is not confined to Germany, but is found throughout Europe and internationally. The growing Europeanisation and internationalisation of a number of legal areas create a need for cross-border academic discourse. In so far, journal articles, which are published electronically and more easily available internationally, have an advantage over longer print publications.

The growing speed of scientific communication has had consequences for monographs, considered the “classic” medium in which scientific questions are examined in a systematic and fundamental way. Dissertations, i.e. doctoral dissertations and *habilitation* theses, account for the largest number of monographs. For many researchers, these two types of mandatory monographs are often the last lengthy works they publish. Those monographs currently available on the market have been criticised for putting undue emphasis on reviewing the current state of research, rather than being innovative and creative. In order to promote more systematic and fundamental research on innovative and original subjects, the German Council of Science and Humanities recommends using available research capacities to write and thus promote the production of monographs (see recommendations in B.II.2).

Legal commentaries, usually written by legal scholars for legal practice, are of varying quality. Some groundbreaking commentaries on the German constitution (which is known in German as the “Basic Law”) have found worldwide recognition, sparking significant debate and offering new perspectives in constitutional and rights theory. The same holds true for large commentaries on other areas of law: Many of these works are not only longer but also of a better quality than many monographs, including doctoral and *habilitation* theses, both in terms of breadth of content and depth of analysis. The prefaces of commentaries to particular parts and sections of the law, which are often of a high standard, constitute important spaces to discuss the structure and principles of the law in a fundamental way. For a long time, this genre of academic literature has been a unique feature of German legal scholarship which did not have any

comparable international equivalents, especially in the Anglo-Saxon world. |[47] Only recently, leading publishers like Oxford University Press or Cambridge University Press have started to adopt this continental form of publication. This may be an effect of the Europeanisation and internationalisation of law and legal scholarship, or an effect of the influence of German legal scholarship – assuming that common law practitioners, or non-German civil law practitioners more generally, actually take into account such commentaries written in English.

While the genre of legal commentaries is essential for legal practice and for the transfer of knowledge into legal practice, it has also become the dominant publishing format for some areas of German legal scholarship. This development also affects academic discourse as such publishing formats tie up research resources. Since commentaries seek to present the latest case law in a scientific and systemised way, there is significant pressure to remain up-to-date. Hence, many commentaries are being republished at rather short intervals. This requires highly disciplined authors who, in turn, are required to possess research and writing capacities. When commentaries are published or republished, it should be made sure that the genre maintains its function of structuring the debate and nurtures it by formulating legal principles. Since the 1990s, a growing number of commentaries dealing with legislation that has already been given extensive treatment have been published. This development not only requires significant investment by legal scholars who are part of the writing process, but also necessitates financial resources of public research libraries. The enormous societal relevance of certain laws and the necessity for a plurality of opinions justify the existence of multiple commentaries for a single piece of legislation; but the capacities and the demand of the book market cannot serve as the sole indicator of a commentary's academic value. Other publishing formats (for an assessment of legal research publications cf. B.II.4.b and B.II.5) or increased academic research in neglected legal areas might bring about more promising results for scholarly communication and legal practice.

In addition to a few large, seminal textbooks, which have sometimes been authored by several scholars and which are usually systematic in character, there are other textbooks that follow a more didactic approach and thus possess additional value for the scholarly community. Such publications are an important genre in the German legal research landscape, since textbooks introduce stu-

|47 In France, Spain and Italy, the commentary has been an established genre for a long time. However, in the Romanic legal tradition commentaries did not necessarily serve the purpose of system formation. Rather, these commentaries reprocess and explain specific legal provisions, in accordance with evolving case law. Hence, their character resembles more that of an index of jurisprudence, especially since most of the commentaries do not take a stance on controversial legal decisions.

dents to different areas of law in a problem-oriented and scientific manner. They also serve legal scholars and practitioners as an introduction to specific areas of law. These publications need to be distinguished from purely pedagogical literature, which often takes the form of published lecture notes. In addition to textbooks, published case study and exam paper collections are growing in number; the sole purpose of these is to prepare students for the First Examination and they are often derived directly from preparatory courses. The proliferation of these publications is closely related to the interest of publishers in selling shorter formats intended for exam preparation, which always sell well. In addition to textbooks for exam preparation, this category also includes handbooks that clarify certain areas of legal doctrine, and small commentaries, which cover already well-discussed areas of law and are republished at irregular intervals. The legal publishing culture is thus directly shaped by the variety of its addressees and readers; a fact that is undoubtedly due to the fact that the study of law belongs to the professional disciplines. Yet, in order to meet scholarly expectations, i.e. produce original, relevant and independent legal research, the German Council of Science and Humanities recognises that more attention should be given to the publishing of research-oriented formats which is theoretically informed, analytical, and systematic (see also B.II.3.b). Research should be a place of intensive, controversial, and thorough discussion and debate. Marketing interests must not marginalise genuine scientific communication.

As with monographs, textbooks, and commentaries, there is a broad spectrum of legal research journals reflecting the different actors and audiences of legal scholarship within diverse functional relationships. Currently, there is a tendency for highly specialised, practice-oriented journals to proliferate, which only address a very small number of readers and hardly follow any academic objectives. This tendency hinders the development of scientific, interdisciplinary discourse that aims at integrating different areas of law. Many journals also impose too low a word limit on the length of article submissions. This is particularly true for journals with high circulation numbers, leads to ever-shorter articles, and does not leave sufficient room for the necessary elaboration of complex topics. The German Council of Science and Humanities is convinced that the strong specialisation of many academic journals is therefore not conducive to internal debate within legal studies. Rather, a comprehensive legal discourse that bridges different disciplines should be promoted. In this context, the German Council of Science and Humanities encourages all authors to counter publication practices that lack reflection and are theoretically uninformed and focus exclusively on the application of the law. Instead, authors should make use of their capacities to intensify intra- and interdisciplinary communication. There is a need for publications to focus on topics and discourses that address several different disciplines and which are able to convey systematic and analytic concerns across disciplinary borders.

For quite some time, electronic journals and the possibility of online publishing have played an increasingly important role for legal research. Such formats increase the number and diversity of publications. There are a growing number of journals available not only in print form but also electronically – in fact, some journals are only available online. Journals such as the German Law Journal, which is published exclusively online and in English, have helped to raise the international visibility of German legal scholarship. The Internet also offers the possibility of publishing articles through the Social Science Research Network (SSRN). A growing number of publishers use this platform to upload articles from their journals. It may be assumed that such forms of electronic publication will play an increasingly important role for the international visibility of German legal scholarship.

IV.2 Languages

The academic discipline of law directs its inquiry at an object which is constituted by language, and which is therefore always partly shaped by the cultural context of the language in question. This "rootedness" in culture, which is true for all legal languages, is particularly evident in the field of legal doctrine, which operates with very precise, accurate terms and with vocabulary that is intimately connected to the national legal system. Such context-specific language can thus be difficult to be translated into other languages. In view of these linguistic specificities, German legal scholarship faces great challenges with regard to its internationalisation and Europeanisation. The challenges are two-fold.

First, the fact that the law is constituted by language amounts to a research challenge in its own right. It aims to make this specific legal terminology accessible to European and international scholars despite the fact that it is bound by a single national language. To do so, complex, context-oriented translations and extensive communication efforts are required. The growing internationalisation and Europeanisation of the law affects many different areas of law; it does not only affect those that deal with transnational or supranational legal fields, like European or international law. Many previously national areas of law must become more related to the newly emerging contexts of European and international academic discourse. The comparative study of law is thus becoming more important as the need for the observation of foreign legal systems and alternative legal forms grows. In this context, it should be noted that online databases which increase European and international scholarly communication create more opportunities to demand good translations and an increase in foreign language publication. Second, it is necessary that legal scholars have a profound grasp of different legal orders and that they are able to communicate their research findings in a language other than their own.

Furthermore, there is a growing international demand for German legal scholarship to publish its results in non-German media in order to ensure that German scholarship is adequately understood at the European and international level. This demand must also be seen before the backdrop of German becoming increasingly less important as a legal research language. Over the last 20 years, the number of foreign legal scholars able to read and understand German has been steadily declining. In legal scholarship, too, English has become a particularly important language, although it is by no means the only important language. In order to join European and international scholarly discourses and to actively engage in lawmaking processes, German legal scholarship should increase its responsiveness to foreign legal literature and go beyond the limits of national discourse with regard to research and publishing. This does not mean that legal scholars should publish exclusively in English, but an academic discipline like law, which deals with an object of inquiry that is constituted by language, can only broaden its perspective if it becomes multilingual. |[48]

It is therefore necessary to improve foreign language skills among German legal scholars by encouraging the acquisition of foreign languages, the establishment of foreign-language editorial offices, and a systematic translation policy. In order to increase the number of German legal research publications in foreign languages, to promote engagement with scholarly topics of European and international concern, and to relate national topics to the European and international research sphere, the study of foreign languages needs to be encouraged. This holds true not only for the duration of legal study (see B.III.2), but also for prospective legal scholars. In this context, more use should be made of language courses offered by the language centres of many institutes of higher education. Moreover, the German Council of Science and Humanities recommends that the German Research Foundation provide funding for language courses when well-designed research projects require language training, in particular where this pertains to non-European languages (e.g. Arabic, Chinese etc.).

There is a need for German legal scholars and foreign legal scholars to communicate in order to agree on a consistent legal terminology and to make German scholarship accessible to non-German-speaking audiences. Translations not only require a strong command of a language; the adequate translation of legal texts into foreign languages also requires profound knowledge of the respective legal orders and its legal terminologies. Therefore, the German Council of Science and Humanities recommends that translations of legal research be supported through funding if certain conditions are fulfilled, and recommends that edito-

|48 Cf. Wissenschaftsrat: *Recommendations on German Science Policy in the European Research Area,* Cologne: Wissenschaftsrat 2010, p. 90 – 91.

rial offices working with foreign languages be established. Interdisciplinary initiatives or selected language centres with specialist translators, comparable to the specialised translation units of the Max Planck Institutes, could be used to translate German legal research literature that deals with both the German and foreign legal orders.

The German Council of Science and Humanities underlines that a merely quantitative increase of German legal publications in foreign languages will not necessarily lead to a better reception of German legal scholarship abroad. Instead, what is required is a prudent translation and language policy that filters particularly innovative and original contributions and particularly aims at making those legal publications widely available abroad which are conceptually oriented towards European or international research questions and contexts. These publications should be specifically tailored to foreign audiences and thus be able to convey the rich set of German legal principles and theories in a new context without forcing a literal translation of specific German legal terminology. English abstracts prefacing the actual article also prove to be helpful in improving the wider communication of German scholarship. Publications in foreign languages, however, should not only concentrate on disseminating the findings of German scholarship in the English-speaking world, but should also aim to do so in other parts of the world, especially since some legal traditions, for instance in Southern and Eastern Europe or in East Asia, have closer ties to German legal scholarship.

Appendix

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Charts and Illustrations

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Overview of Law Degree Programmes at Higher Education Institutions in Germany

Type of institution	Number of degree programmes (winter semester 2010/2011)				Type of degree programme						
	Higher education institutions	Number of chairs [1]	Students [2]	Student-teacher ratio	First Examination (*Erste Prüfung*) [3]	Bachelor	Master (consecutive)	*Magister*	*Diplom* / *Diplom* (Universities of Applied Sciences)	Other degrees	Doctorate (PhD)
Higher education institutions (public)											
Universities that have professorships in the study of law and law students	46	882	95 258	108	71 208	9 880	3 865	722	514	1 692	7 377
Number of higher education institutions					*40*	*17*	*31*	*28*	*5*	*40*	*44*
Number of degree programmes [4]	*248*				*41*	*37*	*81*	*43*	*5*	*41*	-
Universities that have law professorships but do not offer full law degrees/do not have a law faculty	13	33	-	-	-	-	-	-	-	-	-
Number of degree programmes	*2*				-	-	*2*	-	-	-	-
Universities that have law students but no law professorships	4	-	293	-	-	13	258	-	-	-	22
Number of higher education institutions					-	*1*	*3*	-	-	-	*2*
Number of degree programmes	*7*				-	*2*	*5*	-	-	-	-
Universities total	**63**	**915**	**95 551**	**104**	**71 208**	**9 893**	**4 123**	**722**	**514**	**1 692**	**7 399**
Number of higher education institutions					*40*	*18*	*34*	*28*	*5*	*40*	*46*
Number of degree programmes [4]	*255*				*41*	*39*	*88*	*43*	*5*	*41*	-
Universities of Applied Sciences with law professorships and/or law students (including Public Administration Universities) total	**49**	**295**	**8 860**	**30**	**-**	**7 505**	**549**	**-**	**797**	**9**	**-**
Number of higher education institutions					-	*25*	*15*	-	*13*	*4*	-
Number of degree programmes	*80*				-	*34*	*29*	-	*13*	*4*	-
Higher education institutions (public) total	**112**	**1 210**	**104 411**	**86**	**71 208**	**17 398**	**4 672**	**722**	**1 311**	**1 701**	**7 399**
Number of higher education institutions					*40*	*43*	*49*	*28*	*18*	*44*	*46*
Number of degree programmes [4]	*335*				*41*	*73*	*117*	*43*	*18*	*45*	-

Chart 1: Overview of Law Degree Programmes at Higher Education Institutions in Germany, Part 2|2

Type of institution	Number of degree programmes (winter semester 2010/2011)				Type of degree programme						
	Higher education institutions	Number of chairs [1]	Students [2]	Student-teacher ratio	First Examination (*Erste Prüfung*) [3]	Bachelor	Master (consecutive)	*Magister*	*Diplom* / *Diplom* (Universities of Applied Sciences)	Other degrees	Doctorate (PhD)
Higher education institutions (private)											
Higher education institutions holding the right to award doctorates [5]	**4**	**20**	**679**	**34**	**136**	**439**	**88**	**-**	**-**	**-**	**16**
Number of higher education institutions					*1*	*1*	*1*	*-*	*-*	*-*	*1*
Number of degree programmes	*5*				*1*	*1*	*3*	*-*	*-*	*-*	*1*
Other private institutions of higher education with law professorships and/or law students total	**22**	**75**	**4 156**	**55**	**-**	**2 694**	**281**	**-**	**1 181**	**-**	**-**
Number of higher education institutions					*-*	*8*	*6*	*-*	*3*	*-*	*-*
Number of degree programmes	*23*				*-*	*10*	*10*	*-*	*3*	*-*	*-*
Higher education institutions (private) total	**26**	**95**	**4 835**	**51**	**136**	**3 133**	**369**	**-**	**1 181**	**-**	**16**
Number of higher education institutions					*1*	*9*	*7*	*-*	*3*	*-*	*1*
Number of degree programmes	*26*				*1*	*11*	*13*	*-*	*3*	*-*	*1*
Ecclesiastical institutions of higher education	**9**	**26**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**
Public and private institutions of higher education total	**147**	**1 331**	**109 246**	**82**	**71 344**	**20 531**	**5 041**	**722**	**2 492**	**1 701**	**7 415**
Number of higher education institutions					*41*	*52*	*56*	*28*	*21*	*44*	*47*
Number of degree programmes [4]	*370*				*42*	*84*	*130*	*43*	*21*	*45*	*-*

|1 Only occupied chairs have been counted.

|2 This includes students aiming to earn a doctorate.

|3 Since the winter semester 2011/2012 the EBS Business School is offering a law programme that leads to the “First Examination”.

|4 Following the Higher-Education Compass published by the German Rector's Conference, the German-French law degree programme offered by Potsdam University is recognised as an additional degree programme leading to the “First Examination”.

|5 Only the following private universities hold the right to award doctorates: Bucerius Law School, EBS Business School, Frankfurt School of Finance & Management and Jacobs University Bremen. The Hertie School of Governance was granted the right to award doctorates on 1 September 2012.

Sources: Federal Statistical Office (as of 6 March 2012); Higher-Education Compass of the German Rectors' Conference (http://www.hochschulkompass.de, as of 2 April 2012); own calculations

Chart 2: Law Students by Type of Higher Education Institution and Degree Concentration, Winter Semester (WS) 2000/2001 – 2010/2011, Part 1|2

Law Students by Type of Higher Education Institution and Degree Concentration, Winter Semester (WS) 2000/2001 – 2010/2011

Type of higher education institution		WS 2000/2001	WS 2001/2002	WS 2002/2003	WS 2003/2004	WS 2004/2005	WS 2005/2006	WS 2006/2007	WS 2007/2008	WS 2008/2009	WS 2009/2010	WS 2010/2011
Law Students												
Universities [1]	**total**	**102 766**	**99 808**	**99 158**	**98 678**	**93 925**	**93 291**	**90 248**	**86 363**	**88 825**	**92 482**	**96 296**
	% female	47,3 %	48,1 %	49,1 %	49,5 %	50,6 %	51,2 %	51,9 %	52,5 %	52,9 %	53,3 %	53,6 %
Number of law students concentrating on commercial law	total	-	-	191	267	501	1 391	2 621	2 875	3 098	3 799	4 580
	% female	-	-	53,4 %	52,4%	50,7%	45,2%	45,3%	44,5%	45,6%	43,9%	44,8%
Change of the total number with respect to the base year 2000 (= 100)		*100*	*97*	*96*	*96*	*91*	*91*	*88*	*84*	*86*	*90*	*94*
Universities of Applied Sciences [2]	**total**	**123**	**205**	**3 281**	**4 742**	**5 412**	**5 796**	**9 067**	**9 747**	**11 225**	**12 367**	**12 950**
	% female	52,0 %	49,8 %	51,6 %	54,6 %	54,0 %	53,4 %	52,4 %	52,0 %	52,2 %	53,7 %	54,3 %
Number of law students concentrating on commercial law	total	-	-	2 956	4 319	4 891	5 498	8 747	9 552	10 742	11 719	12 089
	% female	-	-	51,7 %	54,9 %	54,3 %	53,5 %	52,4 %	52,1 %	52,5 %	53,8 %	54,5 %
Change of the total number with respect to the base year 2000 (= 100)		*100*	*167*	*2 667*	*3 855*	*4 400*	*4 712*	*7 372*	*7 924*	*9 126*	*10 054*	*10 528*
of which Public Administration Universities	**total**	-	-	-	-	-	-	-	**46**	**785**	**671**	**716**
	% female	-	-	-	-	-	-	-	67,4 %	68,4 %	70,0 %	69,6 %
Number of law students concentrating on commercial law	total	-	-	-	-	-	-	-	46	740	671	716
	% female	-	-	-	-	-	-	-	67,4 %	69,2 %	70,0 %	69,6 %
Higher education institutions total		**102 889**	**100 013**	**102 439**	**103 420**	**99 337**	**99 087**	**99 315**	**96 110**	**100 050**	**104 849**	**109 246**
Change of the total number with respect to the base year 2000 (= 100)		*100*	*97*	*100*	*101*	*97*	*96*	*97*	*93*	*97*	*102*	*106*
	% female	47,3 %	48,1 %	49,2 %	49,8 %	50,8 %	51,3 %	51,9 %	52,4 %	52,8 %	53,3 %	53,7 %
Share of law students of total number of students in Germany		5,7%	5,4%	5,3%	5,1%	5,1%	5,0%	5,0%	5,0%	4,9%	4,9%	4,9%

Chart 2: Law Students by Type of Higher Education Institution and Degree Concentration, Winter Semester (WS) 2000/2001 – 2010/2011, Part 2|2

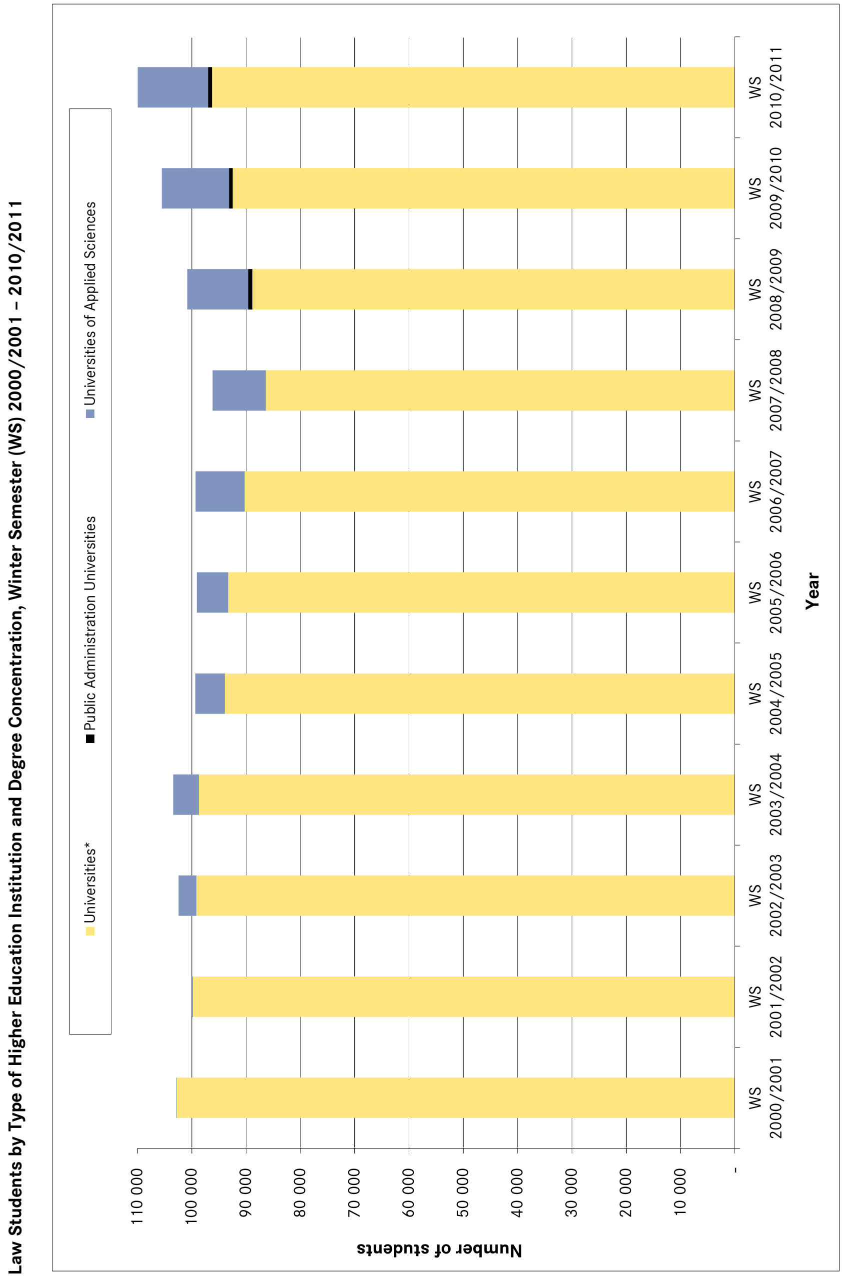
Type of higher education institution		WS 2000/2001	WS 2001/2002	WS 2002/2003	WS 2003/2004	WS 2004/2005	WS 2005/2006	WS 2006/2007	WS 2007/2008	WS 2008/2009	WS 2009/2010	WS 2010/2011
Students of all degrees												
Universities [1]	**total**	1 341 149	1 382 261	1 422 688	1 467 890	1 403 491	1 418 377	1 408 544	1 369 075	1 397 492	1 448 616	1 503 839
	% female	49,0 %	49,7 %	50,5 %	50,8 %	51,5 %	51,7 %	51,8 %	51,8 %	51,8 %	51,8 %	51,6 %
Change of the total number with respect to the base year 2000 (= 100)		*100*	*103*	*106*	*109*	*105*	*106*	*105*	*102*	*104*	*108*	*112*
Universities of Applied Sciences [2]	**total**	457 714	485 968	516 123	551 575	559 617	567 388	570 499	572 330	627 815	672 562	713 455
	% female	37,5 %	38,2 %	38,6 %	38,4 %	38,3 %	38,0 %	37,9 %	38,0 %	38,9 %	39,3 %	39,7 %
Change of the total number with respect to the base year 2000 (= 100)		*100*	*106*	*113*	*121*	*122*	*124*	*125*	*125*	*137*	*147*	*156*
of which Public Administration Universities	**total**	32 129	32 671	36 403	38 092	35 809	32 261	28 575	26 317	27 247	27 796	29 818
	% female	46,3 %	49,1 %	51,0 %	50,7 %	50,4 %	49,6 %	49,0 %	50,0 %	49,5 %	49,1 %	49,0 %
Higher education institutions total		**1 798 863**	**1 868 229**	**1 938 811**	**2 019 465**	**1 963 108**	**1 985 765**	**1 979 043**	**1 941 405**	**2 025 307**	**2 121 178**	**2 217 294**
	% female	46,1 %	46,7 %	47,4 %	47,4 %	47,7 %	47,8 %	47,8 %	47,7 %	47,8 %	47,8 %	47,8 %
Change of the total number with respect to the base year 2000 (= 100)		*100*	*104*	*108*	*112*	*109*	*110*	*110*	*108*	*113*	*118*	*123*

| 1 This includes colleges of education, schools of theology and *Gesamthochschulen* (until winter semester 2001/2002), as well as the Bucerius Law School Hamburg, the Dresden International University GmbH (DIH) and the German University of Professional Studies. *Gesamthochschulen* (Integrative Universities) are an institutional amalgamation of a university and a University of Applied Sciences. They began to be founded in the 1960s but have since disappeared as an institutional type of its own and have merged with the universities.

| 2 This includes private universities.

Sources: Federal Statistical Office (as of 1 February 2012); own calculations

Illustration 1: Law Students by Type of Higher Education Institution and Degree Concentration, Winter Semester (WS) 2000/2001 – 2010/2011



* Including colleges of education, schools of theology and *Gesamthochschulen* (so called "integrative universities" (up to winter semester 2001/2002)).

Sources: Federal Statistical Office (as of 1 February 2012); own calculations

Chart 3: Law Students by Type of Higher Education Institution and Degree, Winter Semester (WS) 2010/2011

Law Students by Type of Higher Education Institution and Degree, Winter Semester (WS) 2010/2011

Type of higher education institution	Public/ private	Gender	Number of law students by degree programme, WS 2010/2011								
			All degrees	First Examination and equivalent degrees (*Magister, Diplom* (university))	Bachelor (not including those that lead to a teaching qualification)	Master (not including those that lead to a teaching qualification)	*Diplom* (Universities of Applied Sciences)	Degree programmes that lead to a teaching qualification (incl. BA and MA)	Civil Service Career Examination	Other degrees	Doctorate (PhD)
Total number of higher education institutions	**Total**		**109 246**	**72 556**	**20 531**	**5 041**	**2 002**	**4**	**2**	**1 695**	**7 415**
		% female	*53,7*	*55,9*	*52,6*	*43,2*	*47,9*	*25,0*	-	*61,6*	*41,5*
	Public		104 411	72 420	17 398	4 672	821	4	2	1 695	7 399
		% female	*53,9*	*56,0*	*52,8*	*43,4*	*49,1*	*25,0*	-	*61,6*	*41,5*
	Private (excluding ecclesiastical universities)		4 835	136	3 133	369	1 181	-	-	-	16
		% female	*49,0*	*33,8*	*51,3*	*41,5*	*47,1*				*37,5*
Universities	**Total**		**96 296**	**72 556**	**10 332**	**4 277**	**24**	**4**	**-**	**1 688**	**7 415**
		% female	*53,6*	*55,9*	*49,7*	*41,4*	*33,3*	*25,0*		*61,4*	*41,5*
	Public		95 551	72 420	9 893	4 123	24	4	-	1 688	7 399
		% female	*53,7*	*56,0*	*50,3*	*41,5*	*33,3*	*25,0*		*61,4*	*41,5*
	Private (excluding ecclesiastical universities)		745	136	439	154	-	-	-	-	16
		% female	*36,1*	*33,8*	*35,8*	*39,0*					*37,5*
Universities of Applied Sciences	**Total**		**12 950**	**-**	**10 199**	**764**	**1 978**	**-**	**2**	**7**	**-**
		% female	*54,3*		*55,5*	*53,3*	*48,1*		-	*100,0*	
	Public		8 860	-	7 505	549	797	-	2	7	-
		% female	*55,6*		*56,1*	*57,2*	*49,6*		-	*100,0*	
	Private (excluding ecclesiastical universities)		4 090	-	2 694	215	1 181	-	-	-	-
		% female	*51,3*		*53,8*	*43,3*	*47,1*				
Public Adminstration Universities	Public		**716**	-	**714**	-	-	-	**2**	-	-
		% female	*69,6*		*69,6*				-		

Sources: Federal Statistical Office (as of 31 January 2012); own calculations

Chart 4: Number of Foreign Law Students at Higher Education Institutions in Germany, Winter Semester (WS) 2010/2011

Number of Foreign Law Students at Higher Education Institutions in Germany, Winter Semester (WS) 2010/2011

Nationality	Type of higher education institution	Number of foreign law students WS 2010/2011										
		Total number of degrees awarded	First Examination (not including those that lead to a teaching qualification)	Bachelor (not including those that lead to a teaching qualification)	Master (not including those that lead to a teaching qualification)	*Magister*	*Diplom* (university) and equivalent	*Diplom* (Universities of Applied Sciences)	Teaching qualification (incl. BA and MA)	Civil Service Career Examination	Other Degrees	Doctorates (PhD)
German and foreign students total	Universities	96 296	71 344	10 332	4 277	722	490	24	4	-	1 688	7 415
	Universities of Applied Sciences	12 950	-	10 199	764	-	-	1 978	-	2	7	-
Number of EU students who hold a German secondary school leaving certificate	Universities	1 130	861	177	36	2	11	-	-	-	5	38
	Universities of Applied Sciences	135	-	105	5	-	-	25	-	-	-	-
Number of EU students who do not hold a German secondary school leaving certificate	Universities	3 010	1 003	402	356	183	11	-	-	-	801	254
	Universities of Applied Sciences	81	-	61	2	-	-	14	-	-	4	-
Number of non-EU students who hold a German secondary school leaving certificate	Universities	2 342	2 086	157	25	6	16	1	-	-	4	47
	Universities of Applied Sciences	492	-	419	15	-	-	58	-	-	-	-
Number of non-EU students who do not hold a German secondary school leaving certificate	Universities	3 172	1 069	129	523	349	12	1	-	-	405	684
	Universities of Applied Sciences	200	-	157	12	-	-	28	-	-	3	-
Foreign students	Total	**10 562**										
	Share of total number of students	9,67%										
German students	Total	**98 684**										
	Share of total number of students	90,33%										

Sources: Federal Statistical Office (as of 5 March 2012); own calculations

Chart 5: Professorships in Law by Type of Higher Education Institution Compared to Other Subject Groups, 2000 – 2010, Part 1|2

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Law professorships											
Universities	911	900	892	903	922	917	908	913	926	944	941
% female	7,6%	8,0%	8,3%	9,9%	10,3%	10,8%	11,5%	12,0%	13,7%	13,5%	13,2%
Change with respect to the base year 2000 (= 100)	*100*	*98,8*	*97,9*	*99,1*	*101,2*	*100,7*	*99,7*	*100,2*	*101,6*	*103,6*	*103,3*
Universities of Applied Sciences (excluding Public Administration Universities)	140	146	148	211	256	252	290	294	290	303	308
% female	12,1%	13,0%	16,2%	17,1%	20,3%	22,2%	22,4%	24,8%	23,1%	23,4%	22,1%
Change with respect to the base year 2000 (= 100)	*100*	*104,3*	*105,7*	*150,7*	*182,9*	*180,0*	*207,1*	*210,0*	*207,1*	*216,4*	*220,0*
Public Adminstration Universities	55	52	104	135	124	120	116	*117*	*112*	*85*	*82*
% female	7,3%	9,6%	8,7%	11,1%	12,1%	12,5%	14,7%	18,8%	18,8%	22,4%	23,2%
Change with respect to the base year 2000 (= 100)	*100*	*94,5*	*189,1*	*245,5*	*225,5*	*218,2*	*210,9*	*212,7*	*203,6*	*154,5*	*149,1*
Higher education institutions total	**1 106**	**1 098**	**1 144**	**1 249**	**1 302**	**1 289**	**1 314**	**1 324**	**1 328**	**1 332**	**1 331**
% female	8,1%	8,7%	9,4%	11,2%	12,4%	13,2%	14,2%	15,5%	16,2%	16,3%	15,9%
Change with respect to the base year 2000 (= 100)	*100*	*99,3*	*103,4*	*112,9*	*117,7*	*116,5*	*118,8*	*119,7*	*120,1*	*120,4*	*120,3*
Professorships in law, economics and social sciences											
Universities	3 212	3 224	3 247	3 241	3 274	3 315	3 343	3 392	3 580	3 658	3 766
% female	8,6 %	9,3 %	9,9 %	11,0 %	11,4 %	11,9 %	13,1 %	14,7 %	16,2 %	16,9 %	17,1 %
Change with respect to the base year 2000 (= 100)	*100*	*100,4*	*101,1*	*100,9*	*101,9*	*103,2*	*104,1*	*105,6*	*111,5*	*113,9*	*117,2*
Universities of Applied Sciences (excluding Public Administration Universities)	3 864	3 974	4 054	4 113	4 154	4 130	4 208	4 315	4 599	5 349	5 660
% female	17,7 %	18,7 %	19,3 %	20,1 %	20,1 %	20,9 %	21,6 %	22,5 %	23,6 %	24,0 %	24,9 %
Change with respect to the base year 2000 (= 100)	*100*	*102,8*	*104,9*	*106,4*	*107,5*	*106,9*	*108,9*	*111,7*	*119,0*	*138,4*	*146,5*
Public Administration Universities	568	554	513	516	502	471	457	421	381	332	334
% female	10,7 %	11,4 %	11,5 %	14,5 %	16,1 %	16,8 %	16,8 %	16,9 %	18,4 %	21,4 %	23,7 %
Change with respect to the base year 2000 (= 100)	*100*	*97,5*	*90,3*	*90,8*	*88,4*	*82,9*	*80,5*	*74,1*	*67,1*	*58,5*	*58,8*
Higher education institutions total	**7 644**	**7 752**	**7 814**	**7 870**	**7 930**	**7 916**	**8 008**	**8 128**	**8 560**	**9 339**	**9 760**
% female	13,4 %	14,3 %	14,9 %	16,0 %	16,3 %	16,9 %	17,8 %	18,9 %	20,3 %	21,1 %	21,9 %
Change with respect to the base year 2000 (= 100)	*100*	*101,4*	*102,2*	*103,0*	*103,7*	*103,6*	*104,8*	*106,3*	*112,0*	*122,2*	*127,7*

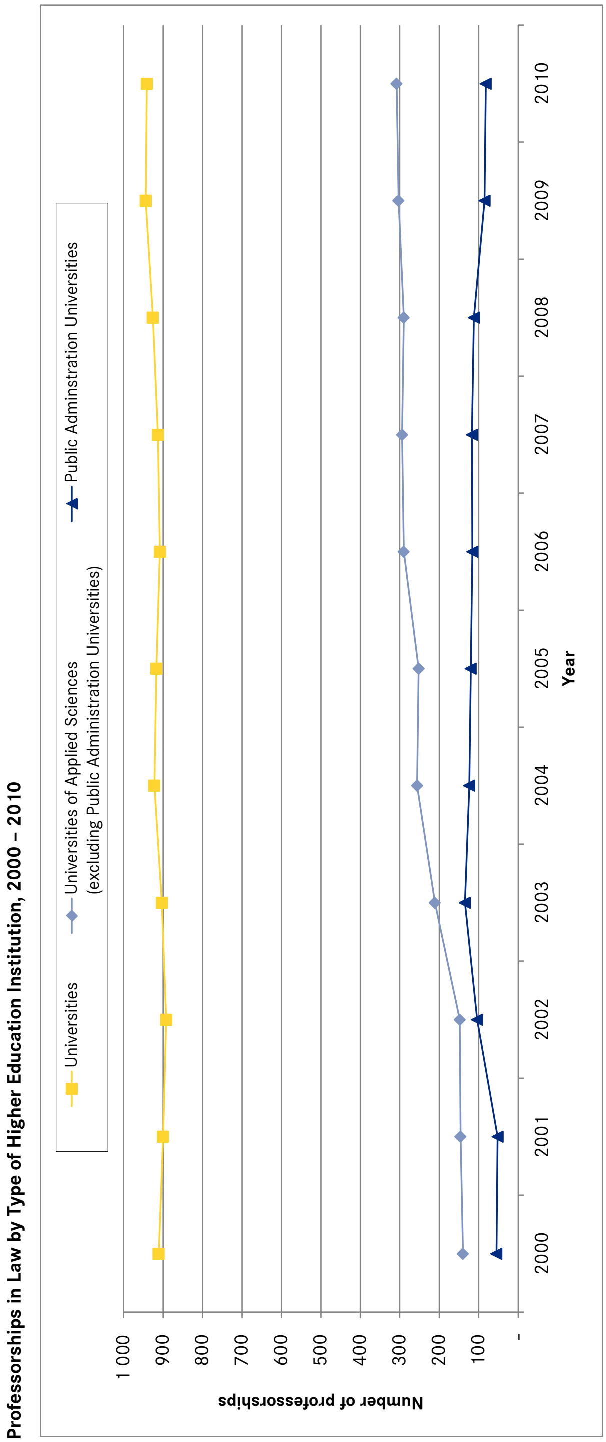
Chart 5: Professorships in Law by Type of Higher Education Institution Compared to Other Subject Groups, 2000 – 2010, Part 2|2

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Professorships in languages, literature and cultural studies											
Universities	5 359	5 347	5 287	5 230	5 216	5 068	5 027	5 160	5 117	5 249	5 475
% female	16,5 %	17,5 %	18,6 %	19,9 %	21,3 %	23,3 %	25,2 %	27,0 %	29,8 %	30,7 %	32,7 %
Change with respect to the base year 2000 (= 100)	*100*	*99,8*	*98,7*	*97,6*	*97,3*	*94,6*	*93,8*	*96,3*	*95,5*	*97,9*	*102,2*
Universities of Applied Sciences (excluding Public Administration Universities)	395	412	423	495	533	497	518	534	454	488	526
% female	31,4 %	31,8 %	32,9 %	33,1 %	33,2 %	35,2 %	37,3 %	38,6 %	42,3 %	42,2 %	43,7 %
Change with respect to the base year 2000 (= 100)	*100*	*104,3*	*107,1*	*125,3*	*134,9*	*125,8*	*131,1*	*135,2*	*114,9*	*123,5*	*133,2*
Public Administration Universities	2	3	3	15	18	18	16	16	16	12	12
% female	0,0 %	0,0 %	0,0 %	20,0 %	27,8 %	33,3 %	31,3 %	37,5 %	31,3 %	16,7 %	25,0 %
Change with respect to the base year 2000 (= 100)	*100*	*150,0*	*150,0*	*750,0*	*900,0*	*900,0*	*800,0*	*800,0*	*800,0*	*600,0*	*600,0*
Higher education institutions total	**5 756**	**5 762**	**5 713**	**5 740**	**5 767**	**5 583**	**5 561**	**5 710**	**5 587**	**5 749**	**6 013**
% female	17,5 %	18,6 %	19,7 %	21,0 %	22,4 %	24,4 %	26,3 %	28,1 %	30,8 %	31,6 %	33,7 %
Change with respect to the base year 2000 (= 100)	*100*	*100,1*	*99,3*	*99,7*	*100,2*	*97,0*	*96,6*	*99,2*	*97,1*	*99,9*	*104,5*
Professorships across all subject groups											
Universities	23 980	23 744	23 739	23 712	23 829	23 475	23 361	23 596	23 918	24 356	24 934
% female	10,2 %	10,8 %	11,6 %	12,5 %	13,3 %	14,2 %	15,1 %	16,3 %	17,7 %	18,4 %	19,4 %
Change with respect to the base year 2000 (= 100)	*100*	*99,0*	*99,0*	*98,9*	*99,4*	*97,9*	*97,4*	*98,4*	*99,7*	*101,6*	*104,0*
Universities of Applied Sciences (excluding Public Administration Universities)	13 234	13 348	13 594	13 709	14 081	13 889	13 849	13 977	14 246	15 462	16 178
% female	11,2 %	11,9 %	12,4 %	13,2 %	14,0 %	14,3 %	15,3 %	16,1 %	17,0 %	17,8 %	18,6 %
Change with respect to the base year 2000 (= 100)	*100*	*100,9*	*102,7*	*103,6*	*106,4*	*104,9*	*104,6*	*105,6*	*107,6*	*116,8*	*122,2*
Public Administration Universities	580	569	528	544	533	501	484	447	400	347	350
% female	11,0 %	11,6 %	11,7 %	14,9 %	16,5 %	17,4 %	17,4 %	17,4 %	18,8 %	21,0 %	23,4 %
Change with respect to the base year 2000 (= 100)	*100*	*98,1*	*91,0*	*93,8*	*91,9*	*86,4*	*83,4*	*77,1*	*69,0*	*59,8*	*60,3*
Higher education institutions total	**37 794**	**37 661**	**37 861**	**37 965**	**38 443**	**37 865**	**37 694**	**38 020**	**38 564**	**40 165**	**41 462**
% female	10,5 %	11,2 %	11,9 %	12,8 %	13,6 %	14,3 %	15,2 %	16,2 %	17,4 %	18,2 %	19,2 %
Change with respect to the base year 2000 (= 100)	*100*	*99,6*	*100,2*	*100,5*	*101,7*	*100,2*	*99,7*	*100,6*	*102,0*	*106,3*	*109,7*

| 1 Only occupied chairs have been counted.

Sources: Federal Statistical Office (as of 20 September 2012); own calculations

Illustration 2: Professorships in Law by Type of Higher Education Institution, 2000 – 2010



Sources: Federal Statistical Office (as of 20 September 2012); own calculations

Chart 6: Number of Foreign Professors at Higher Education Institutions in Germany in 2010

Type of higher education institution	Subject groups	Number of full-time professors in 2010: Total number of German and foreign professors	of which: EU nationals	of which: foreign nationals from outside the EU	of which: unknown
Universities	Medicine/public health	2 991	99	48	26
	%	*100*	*3,3*	*1,6*	*0,9*
	Mathematics, natural sciences	6 285	365	231	1
	%	*100*	*5,8*	*3,7*	*0,0*
	Law, economics and social sciences	3 766	148	102	2
	%	*100*	*3,9*	*2,7*	*0,1*
	of which law	941	18	8	-
	%	*100*	*1,9*	*0,9*	-
	Languages, literature and cultural studies	5 475	245	151	-
	%	*100*	*4,5*	*2,8*	-
	Subject group total	**24 934**	**1 299**	**843**	**31**
	%	***100***	***5,2***	***3,4***	***0,1***
Universities of Applied Sciences total	Medicine/public health	261	3	1	-
	%	*100*	*1,1*	*0,4*	-
	Mathematics, natural sciences	2 176	23	13	-
	%	*100*	*1,1*	*0,6*	-
	Law, economics and social sciences	5 994	59	33	-
	%	*100*	*1,0*	*0,6*	-
	of which law	390	2	-	-
	%	*100*	*0,5*	*0,0*	-
	Languages, literature and cultural studies	538	16	5	1
	%	*100*	*3,0*	*0,9*	*0,2*
	Subject group total	**16 528**	**191**	**119**	**1**
	%	***100***	***1,2***	***0,7***	***0,0***
Higher education institutions total	Medicine/public health	3 252	102	49	26
	%	*100*	*3,1*	*1,5*	*0,8*
	Mathematics, natural sciences	8 461	388	244	1
	%	*100*	*4,6*	*2,9*	*0,0*
	Law, economics and social sciences	9 760	207	135	2
	%	*100*	*2,1*	*1,4*	*0,0*
	of which law	1 331	20	8	-
	%	*100*	*1,5*	*0,6*	-
	Languages, literature and cultural studies	6 013	261	156	1
	%	*100*	*4,3*	*2,6*	*0,0*
	Subject group total	**41 462**	**1 490**	**962**	**32**
	%	***100***	***3,6***	***2,3***	***0,1***

Sources: Federal Statistical Office (as of 2 July 2012); own calculations

Chart 7: Expenditures in Law Compared to Other Subject Groups, 2000 – 2010, Part 1|4

Expenditures in Law Compared to Other Subject Groups, 2000 – 2010 (Adjusted for Price, Index 2005 = 100)

		2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
							in thousand EUR					
Law only	**Universities**	**233 260**	**223 875**	**230 242**	**241 192**	**235 458**	**208 424**	**239 712**	**235 638**	**280 199**	**280 073**	**300 816**
	Change with respect to the base year 2000 (= 100)	*100*	*96*	*99*	*103*	*101*	*89*	*103*	*101*	*120*	*120*	*129*
	of which staff expenditure	198 992	194 460	200 590	208 000	204 801	170 732	192 530	189 091	210 827	221 072	235 028
	Change with respect to the base year 2000 (= 100)	*100*	*98*	*101*	*105*	*103*	*86*	*97*	*95*	*106*	*111*	*118*
	Universities of Applied Sciences	**8 217**	**7 017**	**9 785**	**10 414**	**12 867**	**13 820**	**14 912**	**19 835**	**22 527**	**18 261**	**21 635**
	Change with respect to the base year 2000 (= 100)	*100*	*85*	*119*	*127*	*157*	*168*	*181*	*241*	*274*	*222*	*263*
	of which staff expenditure	6 933	5 957	8 144	8 506	10 186	10 515	10 194	11 789	13 839	10 625	14 918
	Change with respect to the base year 2000 (=100)	*100*	*86*	*117*	*123*	*147*	*152*	*147*	*170*	*200*	*153*	*215*
	of which Public Administration Universities	**5 482**	**3 186**	**4 981**	**4 907**	**5 574**	**5 471**	**5 291**	**5 760**	**7 256**	**7 150**	**6 839**
	Change with respect to the base year 2000 (= 100)	*100*	*58*	*91*	*90*	*102*	*100*	*97*	*105*	*132*	*130*	*125*
	of which staff expenditure	4 815	2 618	4 243	4 160	4 567	4 130	3 839	3 713	4 724	4 335	4 115
	Change with respect to the base year 2000 (= 100)	*100*	*54*	*88*	*86*	*95*	*86*	*80*	*77*	*98*	*90*	*85*
	Higher education institutions total	**241 477**	**230 892**	**240 026**	**251 606**	**248 324**	**222 244**	**254 624**	**255 473**	**302 726**	**305 484**	**329 290**
	Change with respect to the base year 2000 (= 100)	*100*	*96*	*99*	*104*	*103*	*92*	*105*	*106*	*125*	*127*	*136*
	of which staff expenditure	205 926	200 417	208 735	216 506	214 986	181 247	202 723	200 880	224 666	236 032	254 061
	Change with respect to the base year 2000 (= 100)	*100*	*97*	*101*	*105*	*104*	*88*	*98*	*98*	*109*	*115*	*123*

		2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
							in thousand EUR					
Law, economics and social sciences	**Universities**	**970 522**	**959 188**	**1 005 365**	**1 039 371**	**1 033 757**	**939 750**	**1 062 270**	**1 118 823**	**1 250 217**	**1 302 483**	**1 407 103**
	Change with respect to the base year 2000 (= 100)	*100*	*99*	*104*	*107*	*107*	*97*	*109*	*115*	*129*	*134*	*145*
	of which staff expenditure	821 397	808 647	846 411	880 945	874 353	767 455	840 050	861 140	929 508	989 723	1 070 208
	Change with respect to the base year 2000 (= 100)	*100*	*98*	*103*	*107*	*106*	*93*	*102*	*105*	*113*	*120*	*130*
	Universities of Applied Sciences	**630 846**	**634 319**	**641 552**	**631 869**	**657 163**	**623 593**	**710 159**	**710 027**	**774 084**	**868 175**	**782 986**
	Change with respect to the base year 2000 (= 100)	*100*	*101*	*102*	*100*	*104*	*99*	*113*	*113*	*123*	*138*	*124*
	of which staff expenditure	479 794	505 066	503 631	492 045	514 945	488 410	538 535	522 952	560 796	627 958	558 208
	Change with respect to the base year 2000 (= 100)	*100*	*105*	*105*	*103*	*107*	*102*	*112*	*109*	*117*	*131*	*116*
	of which Public Administration Universities	**151 439**	**149 567**	**159 913**	**148 013**	**148 671**	**153 266**	**180 883**	**163 457**	**161 078**	**173 468**	**176 415**
	Change with respect to the base year 2000 (= 100)	*100*	*99*	*106*	*98*	*98*	*101*	*119*	*108*	*106*	*115*	*116*
	of which staff expenditure	123 553	126 101	129 668	118 160	116 750	118 131	132 238	118 644	116 955	123 799	124 111
	Change with respect to the base year 2000 (= 100)	*100*	*102*	*105*	*96*	*94*	*96*	*107*	*96*	*95*	*100*	*100*
	Higher education institutions total	**1 601 368**	**1 593 507**	**1 646 917**	**1 671 240**	**1 690 920**	**1 563 343**	**1 772 430**	**1 828 850**	**2 024 301**	**2 170 657**	**2 371 603**
	Change with respect to the base year 2000 (= 100)	*100*	*100*	*103*	*104*	*106*	*98*	*111*	*114*	*126*	*136*	*148*
	of which staff expenditure	1 301 191	1 313 712	1 350 042	1 372 990	1 389 298	1 255 865	1 378 584	1 384 093	1 490 304	1 617 681	1 753 243
	Change with respect to the base year 2000 (= 100)	*100*	*101*	*104*	*106*	*107*	*97*	*106*	*106*	*115*	*124*	*135*

Chart 7: Expenditures in Law Compared to Other Subject Groups, 2000 – 2010, Part 3|4

		2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
							in thousand EUR					
Languages, literature and cultural studies	**Universities**	**1 440 057**	**1 420 169**	**1 452 988**	**1 470 382**	**1 445 231**	**1 290 055**	**1 429 168**	**1 413 046**	**1 598 363**	**1 637 284**	**1 681 666**
	Change with respect to the base year 2000 (= 100)	*100*	*99*	*101*	*102*	*100*	*90*	*99*	*98*	*111*	*114*	*117*
	of which staff expenditure	1 269 054	1 245 379	1 272 659	1 294 766	1 261 217	1 106 256	1 177 218	1 170 160	1 249 327	1 321 875	1 354 169
	Change with respect to the base year 2000 (= 100)	*100*	*98*	*100*	*102*	*99*	*87*	*93*	*92*	*98*	*104*	*107*
	Universities of Applied Sciences	**40 095**	**40 094**	**36 458**	**37 431**	**40 672**	**43 609**	**39 751**	**38 821**	**43 031**	**44 803**	**50 837**
	Change with respect to the base year 2000 (= 100)	*100*	*100*	*91*	*93*	*101*	*109*	*99*	*97*	*107*	*112*	*127*
	of which staff expenditure	32 373	32 716	29 350	30 451	32 961	33 198	32 626	32 055	34 922	35 129	41 334
	Change with respect to the base year 2000 (= 100)	*100*	*101*	*91*	*94*	*102*	*103*	*101*	*99*	*108*	*109*	*128*
	of which Public Administration Universities	**1 114**	**1 058**	**120**	**201**	**169**	**324**	**887**	**580**	**578**	**593**	**534**
	Change with respect to the base year 2000 (= 100)	*100*	*95*	*11*	*18*	*15*	*29*	*80*	*52*	*52*	*53*	*48*
	of which staff expenditure	364	323	86	143	116	274	794	514	521	518	481
	Change with respect to the base year 2000 (= 100)	*100*	*89*	*24*	*39*	*32*	*75*	*218*	*141*	*143*	*142*	*132*
	Higher education institutions total	**1 480 152**	**1 460 263**	**1 489 446**	**1 507 813**	**1 485 903**	**1 333 664**	**1 468 918**	**1 451 866**	**1 641 394**	**1 685 890**	**1 795 145**
	Change with respect to the base year 2000 (= 100)	*100*	*99*	*101*	*102*	*100*	*90*	*99*	*98*	*111*	*114*	*121*
	of which staff expenditure	1 301 427	1 278 095	1 302 008	1 325 217	1 294 179	1 139 454	1 209 844	1 202 215	1 284 250	1 360 120	1 449 091
	Change with respect to the base year 2000 (= 100)	*100*	*98*	*100*	*102*	*99*	*88*	*93*	*92*	*99*	*105*	*111*

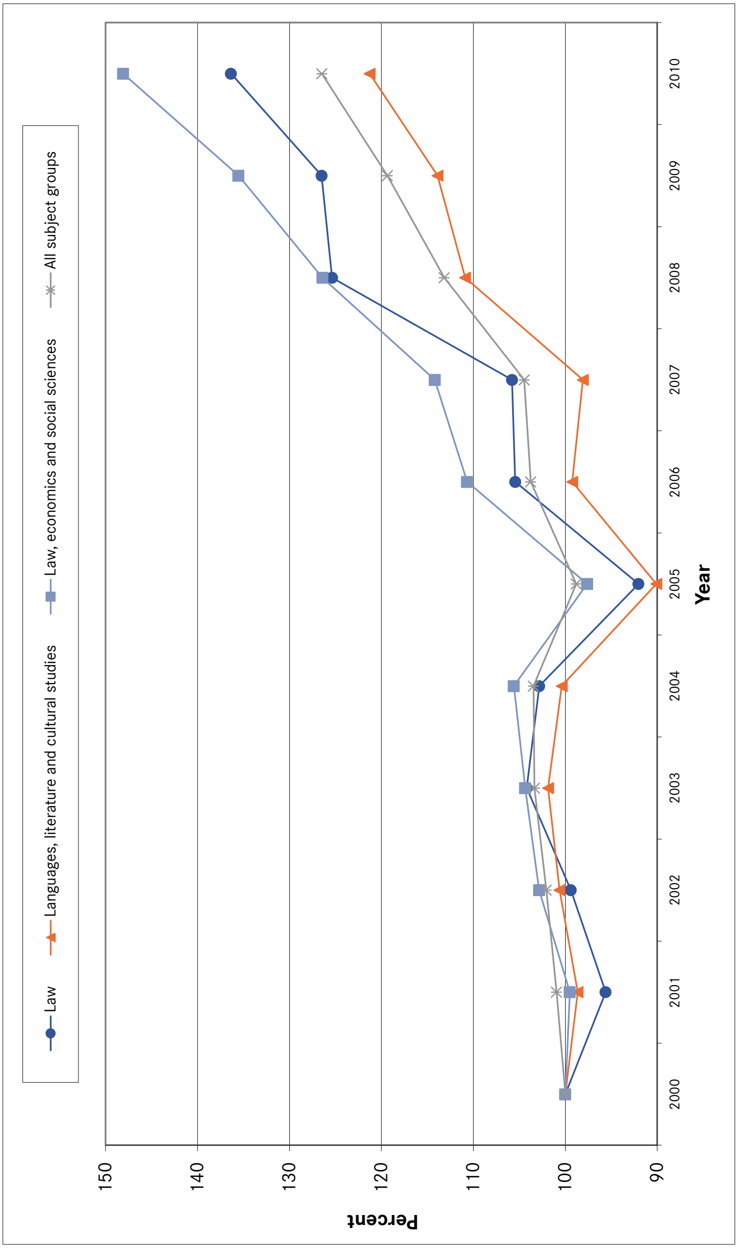
Chart 7: Expenditures in Law Compared to Other Subject Groups, 2000 – 2010, Part 4|4

		2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
							in thousand EUR					
All subject groups	**Universities**	**18 416 347**	**18 587 923**	**18 810 041**	**19 118 961**	**19 063 264**	**18 195 192**	**19 099 859**	**19 200 215**	**20 810 742**	**21 854 139**	**22 965 170**
	Change with respect to the base year 2000 (= 100)	*100*	*101*	*102*	*104*	*104*	*99*	*104*	*104*	*113*	*119*	*125*
	of which staff expenditure	12 227 922	12 051 615	12 196 601	12 447 373	12 533 038	11 770 736	12 294 759	12 118 732	12 731 593	13 359 656	14 102 545
	Change with respect to the base year 2000 (= 100)	*100*	*99*	*100*	*102*	*102*	*96*	*101*	*99*	*104*	*109*	*115*
	Universities of Applied Sciences	**1 686 412**	**1 712 294**	**1 721 071**	**1 676 886**	**1 755 980**	**1 654 270**	**1 745 954**	**1 768 464**	**1 949 841**	**2 161 021**	**2 409 140**
	Change with respect to the base year 2000 (= 100)	*100*	*102*	*102*	*99*	*104*	*98*	*104*	*105*	*116*	*128*	*143*
	of which staff expenditure	1 267 477	1 307 572	1 294 091	1 286 901	1 365 775	1 269 601	1 343 639	1 326 508	1 432 064	1 564 891	1 737 837
	Change with respect to the base year 2000 (= 100)	*100*	*103*	*102*	*102*	*108*	*100*	*106*	*105*	*113*	*123*	*137*
	of which Public Administration Universities	**153 857**	**152 432**	**161 105**	**149 353**	**150 521**	**155 098**	**183 277**	**165 577**	**162 539**	**180 647**	**183 189**
	Change with respect to the base year 2000 (= 100)	*100*	*99*	*105*	*97*	*98*	*101*	*119*	*108*	*106*	*117*	*119*
	of which staff expenditure	124 939	127 663	130 726	119 360	118 405	119 782	134 457	120 599	118 304	128 870	128 972
	Change with respect to the base year 2000 (= 100)	*100*	*102*	*105*	*96*	*95*	*96*	*108*	*97*	*95*	*103*	*103*
	Higher education institutions total	**20 585 345**	**20 782 257**	**21 011 377**	**21 275 201**	**21 296 844**	**20 338 710**	**21 358 805**	**21 506 276**	**23 295 270**	**24 569 524**	**26 037 744**
	Change with respect to the base year 2000 (= 100)	*100*	*101*	*102*	*103*	*103*	*99*	*104*	*104*	*113*	*119*	*126*
	of which staff expenditure	13 868 477	13 739 992	13 878 400	14 111 186	14 270 941	13 415 363	14 027 701	13 829 165	14 512 586	15 319 021	16 321 390
	Change with respect to the base year 2000 (= 100)	*100*	*99*	*100*	*102*	*103*	*97*	*101*	*100*	*105*	*110*	*118*

Sources: Federal Statistical Office (as of 2 July 2012); own calculations

Illustration 3: Expenditures in Law Compared to Other Subject Groups, 2000 – 2010

Expenditures in Law Compared to Other Subject Groups, 2000 – 2010 (Adjusted for Price, Index 2005 = 100)



Sources: Federal Statistical Office (as of 2 July 2012); own calculations

Chart 8: External Funding Awarded per Professorship in Law by Type of Higher Education Institution Compared to Other Subject Groups, 2000 – 2010, Part 1|2

External Funding Awarded per Professorship [1] in Law by Type of Higher Education Institution Compared to Other Subject Groups, 2000 – 2010 (Adjusted for Price, Index 2005 = 100)

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Universities											
External funding total (in thousand EUR)	16 085	16 499	17 929	18 457	19 975	23 566	23 674	26 603	28 458	29 882	32 137
Change with respect to the base year 2000 (= 100)	*100*	*103*	*111*	*115*	*124*	*147*	*147*	*165*	*177*	*186*	*200*
Professorships	911	900	892	903	922	917	908	913	926	944	941
External funding per professorship (in thousand EUR)	**17,7**	**18,3**	**20,1**	**20,4**	**21,7**	**25,7**	**26,1**	**29,1**	**30,7**	**31,7**	**34,2**
Universities of Applied Sciences (excluding Public Administration Universities)											
External funding total (in thousand EUR)	2	1	89	535	956	879	1 283	2 691	240	407	780
Change with respect to the base year 2000 (= 100)	*100*	*49*	*4 246*	*25 397*	*45 405*	*41 735*	*60 938*	*127 766*	*11 409*	*19 321*	*37 053*
Professorships	140	146	148	211	256	252	290	294	290	303	308
External funding per professorship (in thousand EUR)	**0,0**	**0,0**	**0,6**	**2,5**	**3,7**	**3,5**	**4,4**	**9,2**	**0,8**	**1,3**	**2,5**
Across all types of higher education institutions [2]											
External funding total (in thousand EUR)	16 087	16 500	18 018	18 992	20 931	24 445	24 957	29 294	28 698	30 289	32 917
Change with respect to the base year 2000 (= 100)	*100*	*103*	*112*	*118*	*130*	*152*	*155*	*182*	*178*	*188*	*205*
Professorships	1 106	1 098	1 144	1 249	1 302	1 289	1 314	1 324	1 328	1 332	1 331
External funding per professorship (in thousand EUR)	**14,5**	**15,0**	**15,8**	**15,2**	**16,1**	**19,0**	**19,0**	**22,1**	**21,6**	**22,7**	**24,7**

Chart 8: External Funding Awarded per Professorship in Law by Type of Higher Education Institution Compared to Other Subject Groups, 2000 – 2010, Part 2|2

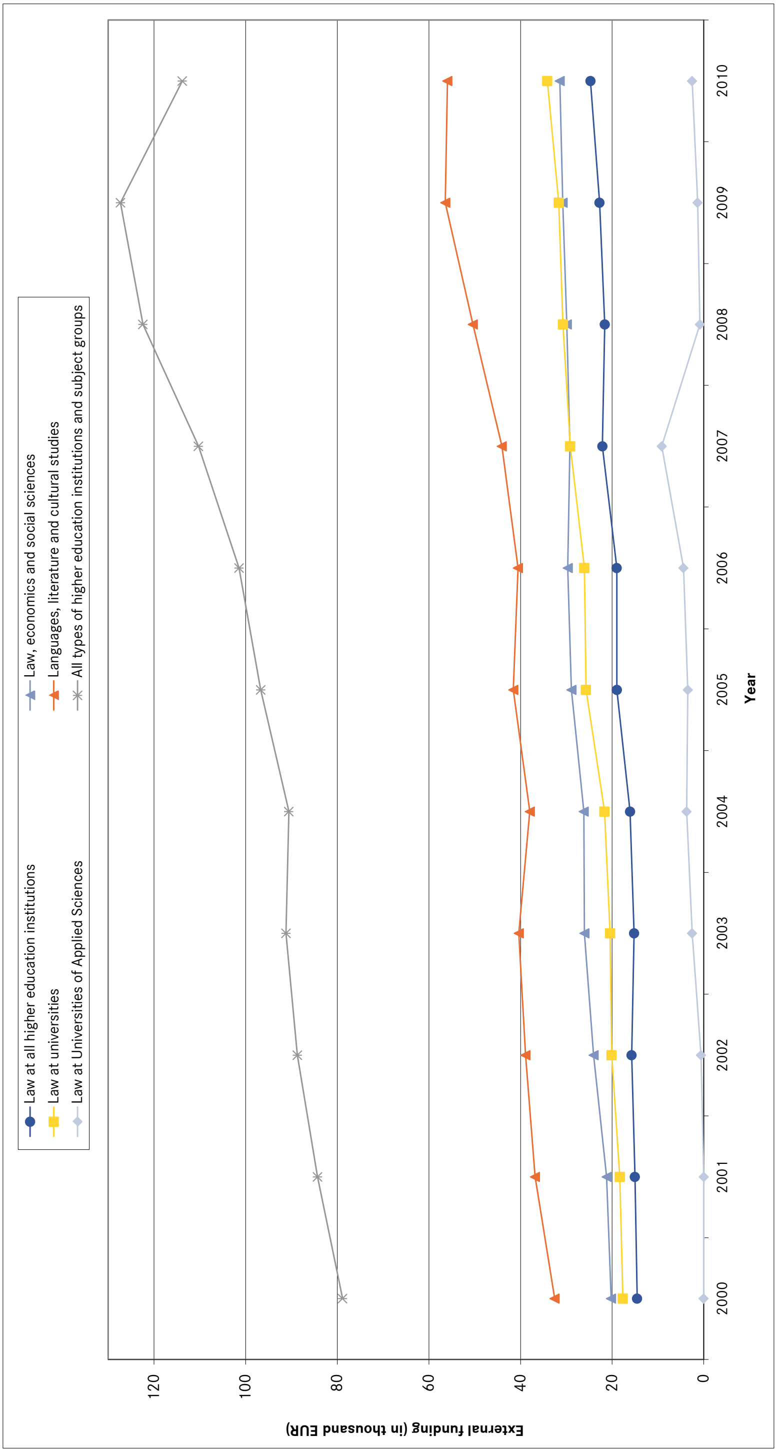
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Law, economics and social sciences											
External funding total (in thousand EUR)	154 541	164 355	187 845	204 940	207 602	228 688	237 690	237 423	255 871	287 560	306 703
Change with respect to the base year 2000 (= 100)	*100*	*106*	*122*	*133*	*134*	*148*	*154*	*154*	*166*	*186*	*198*
Number of professorships	7 644	7 752	7 814	7 870	7 930	7 916	8 008	8 128	8 560	9 339	9 760
External funding per professorship (in thousand EUR)	**20,2**	**21,2**	**24,0**	**26,0**	**26,2**	**28,9**	**29,7**	**29,2**	**29,9**	**30,8**	**31,4**
Languages, literature and cultural studies											
External funding total (in thousand EUR)	187 345	196 047	222 294	231 704	219 004	232 087	225 473	251 629	281 499	324 350	336 479
Change with respect to the base year 2000 (= 100)	*100*	*105*	*119*	*124*	*117*	*124*	*120*	*134*	*150*	*173*	*180*
Number of professorships	5 756	5 323	5 713	5 740	5 767	5 583	5 561	5 710	5 587	5 749	6 013
External funding per professorship (in thousand EUR)	**32,5**	**36,8**	**38,9**	**40,4**	**38,0**	**41,6**	**40,5**	**44,1**	**50,4**	**56,4**	**56,0**
External funding awarded across all types of higher education institutions and subject groups											
External funding total (in thousand EUR)	2 979 961	3 175 086	3 358 644	3 461 796	3 481 837	3 661 570	3 823 477	4 193 622	4 720 985	5 113 432	4 719 084
Change with respect to the base year 2000 (= 100)	*100*	*107*	*113*	*116*	*117*	*123*	*128*	*141*	*158*	*172*	*158*
Number of professorships	37 794	37 661	37 861	37 965	38 443	37 865	37 694	38 020	38 564	40 165	41 462
External funding per professorship (in thousand EUR)	**78,8**	**84,3**	**88,7**	**91,2**	**90,6**	**96,7**	**101,4**	**110,3**	**122,4**	**127,3**	**113,8**

|1 Only occupied chairs have been counted.
|2 Public Adminstration Universities did not apply for external funding.

Sources: Federal Statistical Office (as of 2 July 2012); own calculations

Illustration 4: External Funding Awarded per Professorship in Law by Type of Higher Education Institution Compared to Other Subject Groups, 2000 – 2010

External Funding Awarded per Professorship in Law by Type of Higher Education Institution Compared to Other Subject Groups, 2000 – 2010 (Adjusted for Price, Index: 2005 = 100)



Sources: Federal Statistical Office (as of 2 July 2012); own calculations

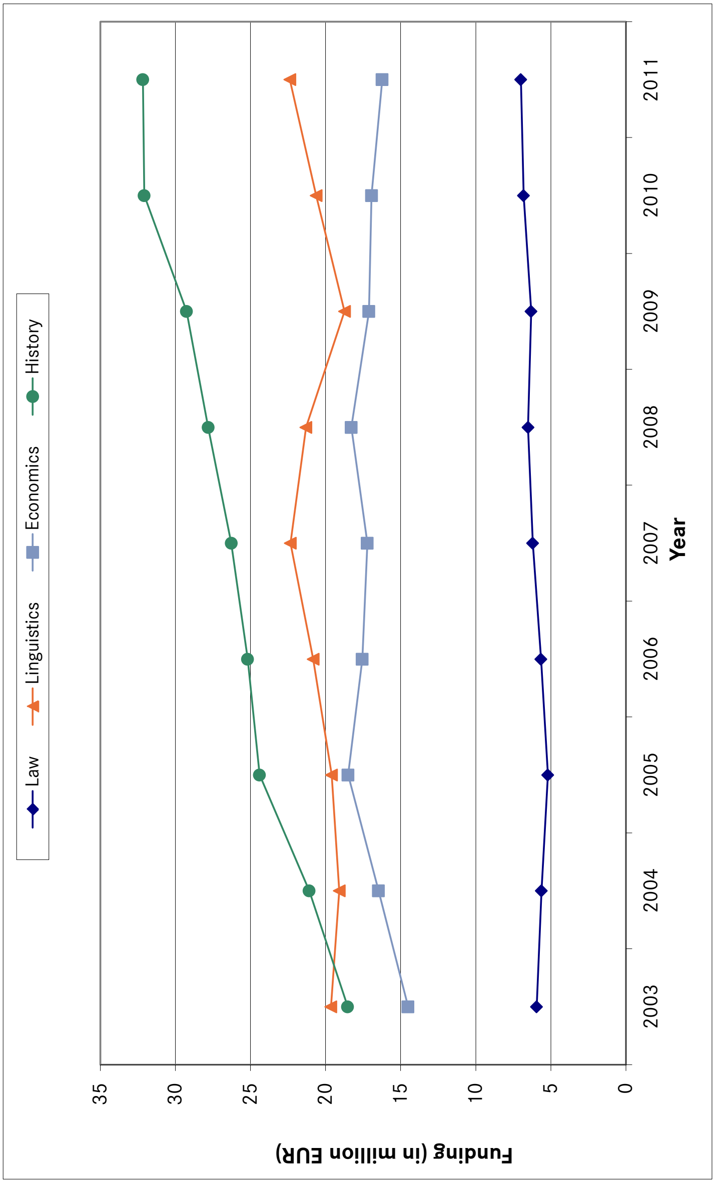
Chart 9: German Research Foundation (DFG) Funding Awarded to Law and Other Subjects by Funding Programme, 2003 – 2011

	2003	2004	2005	2006	2007	2008	2009	2010	2011
					in million EUR				
Law									
Collaborative Research Centres (*Sonderforschungsbereiche*)	1,0	1,0	0,9	1,1	1,0	1,1	1,0	0,9	1,1
Research Training Groups (*Graduiertenkollegs*)	1,6	1,3	1,5	1,8	2,0	1,8	1,6	1,8	1,9
Priority Programmes (*Schwerpunktprogramme*)	-	-	-	-	-	-	-	-	-
Research Units (*Forschergruppen*)	0,1	0,2	0,1	0,1	0,2	0,2	0,2	0,1	0,2
Individual Grants Programme (*Einzelförderung*)	3,2	3,1	2,7	2,7	3,1	3,5	3,5	4,1	3,8
Total	**5,9**	**5,6**	**5,2**	**5,7**	**6,2**	**6,5**	**6,3**	**6,8**	**7,0**
Change with respect to the base year 2003 (= 100)	*100*	*95*	*87*	*95*	*104*	*110*	*106*	*115*	*118*
Economics									
Collaborative Research Centres	4,7	5,2	6,5	6,1	5,2	5,4	4,3	5,0	4,8
Research Training Groups	2,7	3,0	3,3	3,4	3,6	3,6	3,9	3,4	3,1
Priority Programmes	2,4	2,5	2,6	2,0	2,0	2,2	1,4	0,4	0,1
Research Units	1,0	1,2	0,9	1,4	1,8	1,5	0,8	0,5	0,8
Individual Grants Programme	3,6	4,5	5,2	4,7	4,6	5,5	6,7	7,7	7,4
Total	**14,5**	**16,5**	**18,5**	**17,6**	**17,2**	**18,3**	**17,1**	**16,9**	**16,2**
Change with respect to the base year 2003 (= 100)	*100*	*114*	*128*	*121*	*119*	*126*	*118*	*117*	*112*
Linguistics									
Collaborative Research Centres	6,6	7,0	7,2	8,7	10,0	9,3	6,1	6,9	7,3
Research Training Groups	4,5	4,4	4,4	3,3	2,9	2,4	1,8	0,9	0,4
Priority Programmes	0,2	-	-	0,6	1,0	1,1	0,7	1,0	1,0
Research Units	2,1	1,6	1,2	1,4	1,6	0,9	1,1	1,1	1,2
Individual Grants Programme	6,1	6,0	6,8	6,8	6,9	7,6	9,1	10,6	12,5
Total	**19,6**	**19,1**	**19,6**	**20,8**	**22,3**	**21,3**	**18,7**	**20,6**	**22,4**
Change with respect to the base year 2003 (= 100)	*100*	*97*	*100*	*106*	*114*	*108*	*95*	*105*	*114*
History									
Collaborative Research Centres	6,6	7,4	9,1	9,3	9,3	8,7	6,9	6,3	6,3
Research Training Groups	2,3	2,6	3,3	2,9	3,5	3,9	4,7	5,9	6,4
Priority Programmes	0,9	1,1	2,0	2,2	2,4	1,9	1,4	1,2	0,4
Research Units	0,5	0,6	0,7	0,8	0,8	1,1	1,5	1,6	1,4
Individual Grants Programme	8,2	9,3	9,3	10,0	10,3	12,3	14,7	17,0	17,6
Total	**18,5**	**21,1**	**24,4**	**25,2**	**26,3**	**27,8**	**29,3**	**32,1**	**32,2**
Change with respect to the base year 2003 (= 100)	*100*	*114*	*132*	*136*	*142*	*150*	*158*	*173*	*174*
Chemistry									
Collaborative Research Centres	27,8	26,0	24,9	25,6	23,4	25,3	24,7	22,0	23,8
Research Training Groups	6,4	6,6	6,7	6,8	6,7	5,7	6,2	7,5	8,3
Priority Programmes	7,8	9,2	10,0	11,3	11,5	12,6	13,5	12,8	10,6
Research Units	2,9	3,3	3,3	3,9	3,1	3,0	3,6	6,1	7,8
Individual Grants Programme	36,1	38,1	40,0	47,6	51,3	51,9	51,5	53,2	52,2
Total	**81,0**	**83,3**	**84,9**	**95,2**	**96,0**	**98,6**	**99,5**	**101,5**	**102,8**
Change with respect to the base year 2003 (= 100)	*100*	*103*	*105*	*118*	*118*	*122*	*123*	*125*	*127*
Biology									
Collaborative Research Centres	779,4	780,8	814,9	858,3	869,8	878,5	848,2	866,5	874,3
Research Training Groups	154,3	161,1	178,4	187,6	196,9	192,3	203,8	217,5	223,4
Priority Programmes	307,7	304,5	284,8	294,1	292,4	284,6	288,3	309,5	315,3
Research Units	136,7	153,5	153,4	177,1	190,6	206,7	220,6	244,5	275,1
Individual Grants Programme	984,7	990,5	1 042,2	1 205,7	1 259,4	1 282,0	1 365,2	1 452,2	1 518,7
Total	**2 362,8**	**2 390,4**	**2 473,7**	**2 722,8**	**2 809,3**	**2 844,1**	**2 926,1**	**3 090,1**	**3 206,8**
Change with respect to the base year 2003 (= 100)	*100*	*101*	*105*	*115*	*119*	*120*	*124*	*131*	*136*

Sources: DFG - Fachkollegien-Reports 2012; adjusted for price (index 2005 = 100); own calculations

Illustration 5: German Research Foundation (DFG) Funding Awarded to Law and Other Subjects by Funding Programme 2003 – 2011

German Research Foundation (DFG) Funding Awarded to Law and Other Subjects by Funding Programme, 2003 – 2011 (Adjusted for Price, Index: 2005 = 100)



Sources: DFG - Fachkollegien-Reports 2012; own calculations

Chart 10: Share of Law Graduates Going on to a Doctorate (PhD) Compared to Other Subjects, 2007 – 2009

Share of Law Graduates Going on to a Doctorate (PhD) Compared to Other Subjects, 2007 – 2009

Subjects	Universities (including Universities of Applied Sciences concentrating on educational sciences, schools of theology and *Gesamthochschulen* [1] (only for 2002))								
	Completed doctorates (PhD)				Graduates (*Diplom* and equivalent, Master, teaching certificate for secondary education, and graduates of vocational schools)				Share of graduates going on to a doctorate (average of the number of doctorates between 2007 – 2009 divided by the number of graduates between 2002 – 2004) in percent
	2007	2008	2009	Average doctorates 2007 – 2009	2002	2003	2004	Average graduates 2002 – 2004	
Chemistry	1 620	1 726	1 751	**1 699**	1 785	1 777	1 984	**1 849**	**91,9**
Biology	2 179	2 327	2 466	**2 324**	3 936	3 870	4 001	**3 936**	**59,0**
History	419	406	416	**414**	1 977	2 145	2 097	**2 073**	**20,0**
Law	1 604	1 736	1 583	**1 641**	11 106	10 002	10 359	**10 489**	**15,6**
Economics	1 153	1 378	1 242	**1 258**	13 435	13 898	15 072	**14 135**	**8,9**
German language and literature	337	305	301	**314**	4 014	4 068	3 915	**3 999**	**7,9**
Subjects total (excluding medicine/ public health and others)	16 545	17 705	17 272	**17 174**	87 767	90 074	93 184	**90 342**	**19,0**

| 1 *Gesamthochschulen* (Integrative Universities) are an institutional amalgamation of a university and a University of Applied Sciences. They began to be founded in the 1960s but have since disappeared as an institutional type of its own and have merged with the universities.

Sources: Federal Statistical Office (as of 14 July 2011); own calculations

Chart 11: Share of Law Graduates Going on to a Doctorate (PhD) Compared to Other Subject Groups, 2007 – 2009

Share of Law Graduates Going on to a Doctorate (PhD) Compared to Other Subject Groups, 2007 – 2009

Subject groups	Universities (including Universities of Applied Sciences concentrating on educational sciences, schools of theology and *Gesamthochschulen* [1] (only for 2002))								
	Completed doctorates (PhD)				Graduates (*Diplom* and equivalent, Master, teaching certificate for secondary education, and graduates of vocational schools)				Share of graduates going on to a doctorate (average of the number of doctorates between 2007 – 2009 divided by the number of graduates between 2002 – 2004, *medicine/public health graduates 2007 – 2009*) in percent
	2007	2008	2009	Average doctorates 2007 – 2009	2002 *(medicine/ public health 2007)*	2003 *(medicine/ public health 2008)*	2004 *(medicine/ public health 2009)*	Average graduates 2002 – 2004 *(medicine/public health 2007 – 2009)*	
Medicine/public health	7 222	7 352	7 699	**7 424**	*11 900*	*12 392*	*12 907*	***12 400***	***59,9***
Mathematics, natural sciences	6 863	7 303	7 425	**7 197**	16 367	16 301	17 427	**16 698**	**43,1**
Law, economics and social sciences	3 368	3 769	3 548	**3 562**	30 448	30 677	32 413	**31 179**	**11,4**
Law only	1 604	1 736	1 583	**1 641**	11 106	10 002	10 359	**10 489**	**15,6**
Languages, literature and cultural studies	2 642	2 676	2 624	**2 647**	22 634	23 981	23 973	**23 529**	**11,3**
Subject groups total (excluding medicine/ public health and others)	16 545	17 705	17 272	**17 174**	87 767	90 074	93 184	**90 342**	**19,0**

| 1 *Gesamthochschulen* (Integrative Universities) are an institutional amalgamation of a university and a university of applied sciences. They began to be founded in the 1960s but have since disappeared as an institutional type of its own and have merged with the universities.

Sources: Federal Statistical Office (as of 14 July 2011); own calculations

Chart 12: Ratio of Completed Doctorates (PhD) in Law per Professorship at Universities Compared to Other Subject Groups, 2000 – 2009

Ratio of Completed Doctorates (PhD) in Law per Professorship at Universities Compared to Other Subject Groups, 2000 – 2009

Subject groups	Number of professorships and completed doctorates as well as ratio of doctorates per professorship at universities by subject groups 2000 – 2009										Average
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	
Law											
Professorships	911	900	892	903	921	917	908	913	926	944	914
Completed doctorates	1 634	1 702	1 632	1 765	1 813	1 906	1 904	1 604	1 736	1 583	1 728
Doctorates per professorship	1,8	1,9	1,8	2,0	2,0	2,1	2,1	1,8	1,9	1,7	1,9
Languages, literature and cultural studies											
Professorships	5 359	5 347	5 287	5 230	5 216	5 068	5 027	5 160	5 117	5 249	5 206
Completed doctorates	2 674	2 539	2 403	2 512	2 518	2 852	2 596	2 649	2 679	2 625	2 605
Doctorates per professorship	0,5	0,5	0,5	0,5	0,5	0,6	0,5	0,5	0,5	0,5	0,5
Law, economics and social sciences											
Professorships	3 212	3 224	3 247	3 241	3 274	3 315	3 343	3 392	3 580	3 658	3 349
Completed doctorates	3 261	3 402	3 130	3 342	3 329	3 811	3 785	3 368	3 769	3 549	3 475
Doctorates per professorship	1,0	1,1	1,0	1,0	1,0	1,1	1,1	1,0	1,1	1,0	1,0
Mathematics, natural sciences											
Professorships	5 840	5 819	5 904	5 925	5 930	5 879	5 821	5 848	5 959	6 098	5 902
Completed doctorates	7 605	7 095	6 575	6 412	6 345	7 068	6 658	6 863	7 303	7 425	6 935
Doctorates per professorship	1,3	1,2	1,1	1,1	1,1	1,2	1,1	1,2	1,2	1,2	1,2
Medicine/public health											
Professorships	3 215	3 128	3 141	3 179	3 240	3 114	3 068	3 057	2 998	3 016	3 116
Completed doctorates	8 397	8 088	8 062	7 193	7 447	8 224	7 560	7 222	7 352	7 699	7 724
Doctorates per professorship	2,6	2,6	2,6	2,3	2,3	2,6	2,5	2,4	2,5	2,6	2,5
Total across all subject groups											
Professorships	23 980	23 744	23 739	23 712	23 829	23 475	23 361	23 596	23 918	24 356	23 771
Completed doctorates	25 778	24 795	23 838	23 043	23 138	25 952	24 287	23 843	25 190	25 083	24 495
Doctorates per professorship	1,1	1,0	1,0	1,0	1,0	1,1	1,0	1,0	1,1	1,0	1,0

Sources: Federal Statistical Office (as of 13 February 2012); own calculations

Chart 13: Ratio of Completed Doctorates (PhD) in Law per Professorship at Universities Compared to Other Subjects, 2000 – 2009

Ratio of Completed Doctorates (PhD) in Law per Professorship at Universities Compared to Other Subjects, 2000 – 2009

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	Average
Subjects total	1,1	1,0	1,0	1,0	1,0	1,1	1,0	1,0	1,1	1,0	1,0
History	0,7	0,7	0,7	0,7	0,7	0,8	0,7	0,7	0,6	0,6	0,7
German language and literature	0,6	0,5	0,5	0,5	0,5	0,6	0,5	0,5	0,5	0,5	0,5
Law	1,8	1,9	1,8	2,0	2,0	2,1	2,1	1,8	1,9	1,7	1,9
Economics	0,8	0,8	0,7	0,8	0,7	0,9	0,9	0,8	0,9	0,8	0,8
Chemistry	2,7	2,3	2,2	1,9	1,8	2,0	1,8	1,8	1,9	1,9	2,0
Biology	1,9	1,9	1,7	1,7	1,8	2,1	2,0	2,3	2,4	2,5	2,0

Sources: Federal Statistical Office (as of 1 December 2011); own calculations

Chart 14: Number of Graduates and Doctorates in Law, 2000 – 2010, Part 1|2

Number of Graduates and Doctorates in Law, 2000 – 2010

Type of higher education institutions	Type of degree	Gender	2000	2001	2002	2003	2004	2005 [1]	2006 [1]	2007 [1]	2008	2009 [1]	2010
Universities	*Diplom* (universities) and equivalent (First Examination)	total	11 817	11 217	11 023	9 878	10 105	9 582	10 055	11 660	7 603	9 626	8 187
		% female	46,6%	48,1%	47,8%	49,9%	50,9%	51,8%	53,3%	54,5%	54,0%	52,6%	53,6%
	Bachelor (without teaching qualification)	total	-	-	37	30	348	505	464	468	438	598	610
		% female	-	-	81,1%	53,3%	49,1%	51,3%	55,8%	49,4%	58,0%	52,3%	58,9%
	Master (without teaching qualification)	total	-	1	-	3	29	325	187	293	320	564	622
		% female	-	-	-	100%	62,1%	43,7%	47,1%	49,1%	51,6%	52,8%	43,4%
	Teaching qualification total (incl. BA/MA)	total	-	-	1	-	2	2	4	2	1	-	-
		% female	-	-	-	-	-	-	75,0%	100%	-	-	-
	Universities of Applied Sciences degrees	total	-	-	-	-	-	48	95	87	106	93	25
		% female	-	-	-	-	-	50,0%	43,2%	55,2%	56,6%	48,4%	40,0%
	Other degrees	total	109	122	83	121	223	189	229	314	310	351	227
		% female	49,5%	55,7%	50,6%	56,2%	53,4%	56,1%	61,6%	58,6%	62,9%	60,1%	59,5%
	Other degrees [2]	total	109	122	84	121	225	239	328	403	417	444	252
		% female	49,5%	55,7%	50,0%	56,2%	52,9%	54,4%	56,4%	58,1%	61,2%	57,7%	57,5%
	Doctorates (PhD)	total	1 634	1 702	1 632	1 765	1 813	1 906	1 904	1 604	1 736	1 581	1 506
		% female	30,0%	29,7%	30,9%	34,0%	34,9%	32,2%	33,8%	36,7%	36,8%	36,4%	38,0%
	Universities degrees total	**total**	**13 560**	**13 042**	**12 776**	**11 797**	**12 520**	**12 557**	**12 938**	**14 428**	**10 514**	**12 813**	**11 177**
		% female	**44,6%**	**45,8%**	**45,7%**	**47,6%**	**48,6%**	**48,7%**	**50,5%**	**52,3%**	**51,5%**	**50,8%**	**51,3%**

Chart 14: Number of Graduates and Doctorates in Law, 2000 – 2010, Part 2|2

Type of higher education institutions	Type of degree	Gender	2000	2001	2002	2003	2004	2005 [1]	2006 [1]	2007 [1]	2008	2009 [1]	2010
Universities of Applied Sciences	Bachelor (without teaching qualification)	total	-	-	-	-	-	-	32	50	287	408	722
		% female	-	-	-	-	-	-	75,0%	70,0%	57,1%	56,9%	56,9%
	Master (without teaching qualification)	total	-	-	-	-	-	-	28	49	47	133	161
		% female	-	-	-	-	-	-	25,0%	34,7%	46,8%	50,4%	48,4%
	Other Universities of Applied Sciences degrees	total	-	15	113	389	622	696	715	1 196	1 433	1 306	1 145
		% female	-	40,0%	46,0%	53,0%	59,0%	59,5%	57,2%	55,8%	57,7%	58,7%	56,3%
	Universities of Applied Sciences degrees total	**total**	**-**	**15**	**113**	**389**	**622**	**696**	**775**	**1 295**	**1 767**	**1 847**	**2 028**
		% female	**-**	**-**	**46,0%**	**53,0%**	**59,0%**	**59,5%**	**56,8%**	**55,5%**	**57,3%**	**57,7%**	**55,9%**
All higher education institutions	*Diplom* (universities) and equivalent (First Examination)	total	11 817	11 217	11 023	9 878	10 105	9 582	10 055	11 660	7 603	9 631	8 191
		% female	46,6%	48,1%	47,8%	49,9%	50,9%	51,8%	53,3%	54,5%	54,0%	52,6%	53,6%
	Bachelor (without teaching qualification)	total	-	-	37	30	348	505	496	518	725	1 006	1 332
		% female	-	-	81,1%	53,3%	49,1%	51,3%	57,1%	51,4%	57,7%	54,2%	57,8%
	Master (without teaching qualification)	total	-	1	-	3	29	325	215	342	367	697	783
		% female	-	-	-	100,0%	62,1%	43,7%	44,2%	47,1%	51,0%	52,4%	44,4%
	Universities of Applied Sciences degrees [3]	total	-	15	113	389	622	744	810	1 283	1 539	1 399	1 170
		% female	-	40,0%	46,0%	53,0%	59,0%	58,9%	55,6%	55,7%	57,6%	58,0%	56,0%
	Other degrees [4]	total	109	122	84	121	225	191	233	316	311	351	227
		% female	49,5%	55,7%	50,0%	56,2%	52,9%	55,5%	61,8%	58,9%	62,7%	60,1%	59,5%
	Doctorates (PhD)	total	1 634	1 702	1 632	1 765	1 813	1 906	1 904	1 604	1 736	1 583	1 506
		% female	30,0%	29,7%	30,9%	34,0%	34,9%	32,2%	33,8%	36,7%	36,8%	36,5%	38,0%
	Total number of degrees	**total**	**13 560**	**13 057**	**12 889**	**12 186**	**13 142**	**13 253**	**13 713**	**15 723**	**12 281**	**14 667**	**13 209**
		% female	**-**	**-**	**45,7%**	**47,8%**	**49,1%**	**49,2%**	**50,9%**	**52,6%**	**52,3%**	**51,6%**	**52,0%**

|1 The following degrees have not been differentiated from the year 2005 onwards: *Diplom* (Universities of Applied Sciences), Civil Service Examination as well as "Total" (without Civil Service Examination) and "Total" (without Teaching Certificate and Civil Service Examination).

|2 "Other Degrees" include all teachings qualification (incl. BA/MA), Universities of Applied Sciences and other degrees.

|3 Including Universities of Applied Sciences degrees at universities.

|4 "Other degrees" include teaching certificates (incl. BA/MA) but no Universities of Applied Sciences degrees at universities.

Sources: Federal Statistical Office (as of 2 March 2012); own calculations

Chart 15: *Habilitations* in Law Compared to Other Subject Groups, 2000 – 2010, Part 1|2

***Habilitations* in Law Compared to Other Subject Groups, 2000 – 2010, Part 1|2**

Number of *habilitations*	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Law	**60**	**65**	**73**	**67**	**67**	**64**	**53**	**43**	**35**	**45**	**43**
Change with respect to the base year 2000 (= 100)	*100*	*108*	*122*	*112*	*112*	*107*	*88*	*72*	*58*	*75*	*72*
% female	**18,3%**	**13,8%**	**16,4%**	**17,9%**	**17,9%**	**15,6%**	**13,2%**	**23,3%**	**14,3%**	**13,3%**	**20,9%**
Number of *habilitations* per 100 professorships (university)	**6,59**	**7,22**	**8,18**	**7,42**	**7,27**	**6,98**	**5,84**	**4,71**	**3,78**	**4,77**	**4,57**
Change with respect to the base year 2000 (= 100)	*100*	*110*	*124*	*113*	*110*	*106*	*89*	*72*	*57*	*72*	*69*
Law, economics and social sciences	**253**	**214**	**225**	**242**	**241**	**225**	**195**	**163**	**176**	**182**	**139**
Change with respect to the base year 2000 (= 100)	*100*	*85*	*89*	*96*	*95*	*89*	*77*	*64*	*70*	*72*	*55*
% female	**15,0%**	**14,0%**	**18,7%**	**24,8%**	**21,6%**	**18,2%**	**20,0%**	**26,4%**	**23,3%**	**20,9%**	**26,6%**
Number of *habilitations* per 100 professorships (university)	**3,31**	**2,76**	**2,88**	**3,07**	**3,04**	**2,84**	**2,44**	**2,01**	**2,06**	**1,95**	**1,42**
Change with respect to the base year 2000 (= 100)	*100*	*83*	*104*	*107*	*99*	*94*	*86*	*82*	*103*	*95*	*73*

Chart 15: *Habilitations* in Law Compared to Other Subject Groups, 2000 – 2010, Part 2|2

Number of *habilitations*	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Languages, literature and cultural studies	**410**	**445**	**467**	**439**	**466**	**371**	**374**	**354**	**343**	**349**	**318**
Change with respect to the base year 2000 (= 100)	*100*	*109*	*114*	*107*	*114*	*90*	*91*	*86*	*84*	*85*	*78*
% female	**31,2%**	**28,3%**	**37,7%**	**36,9%**	**35,2%**	**35,8%**	**38,0%**	**37,9%**	**34,7%**	**41,0%**	**36,8%**
Number of *habilitations* per 100 professorships (university)	**7,65**	**8,32**	**8,83**	**8,39**	**8,93**	**7,32**	**7,44**	**6,86**	**6,70**	**6,65**	**5,81**
Change with respect to the base year 2000 (= 100)	*100*	*109*	*115*	*110*	*117*	*96*	*97*	*90*	*88*	*87*	*76*
All subjects	**2 128**	**2 199**	**2 302**	**2 209**	**2 283**	**2 001**	**1 993**	**1 881**	**1 800**	**1 820**	**1 755**
Change with respect to the base year 2000 (= 100)	*100*	*103*	*108*	*104*	*107*	*94*	*94*	*88*	*85*	*86*	*82*
% female	**18,4%**	**17,2%**	**21,6%**	**22,0%**	**22,7%**	**23,0%**	**22,2%**	**24,3%**	**23,4%**	**23,8%**	**24,9%**
Number of *habilitations* per 100 professorships (university)	**8,87**	**9,26**	**9,70**	**9,32**	**9,58**	**8,52**	**8,53**	**7,97**	**7,53**	**7,47**	**7,04**
Change with respect to the base year 2000 (= 100)	*100*	*104*	*109*	*105*	*108*	*96*	*96*	*90*	*85*	*84*	*79*

Sources: Federal Statistical Office (as of 4 July 2012); own calculations

Chart 16: Share of Doctorates in Law Going on to a *Habilitation* Compared to Other Subjects, 2008 – 2010

Share of Doctorates in Law Going on to a *Habilitation* Compared to Other Subjects, 2008 – 2010

Subjects	**Completed *habilitations***				**Completed doctorates (PhD)**				**Share of doctorates going on to a *habilitation*** (average of *habilitations* between 2008 – 2010 divided by average of doctorate numbers between 2003 – 2005) **in percent**	To compare: **share of graduates going on to a doctorate (PhD)** (2007 – 2009) **in percent**
	2008	**2009**	**2010**	**Average *habilitations* 2008 – 2010**	**2003**	**2004**	**2005**	**Average doctorates 2003 – 2005**		
History	62	49	63	**58**	454	476	487	**472**	**12,3**	**20,0**
Linguistics	33	40	29	**34**	337	308	362	**336**	**10,1**	**7,9**
Economics	87	81	49	**72**	1 075	981	1 208	**1 088**	**6,6**	**8,9**
Biology	80	72	67	**73**	1 669	1 717	2 025	**1 804**	**4,0**	**59,0**
Chemistry	45	50	51	**49**	1 744	1 639	1 805	**1 729**	**2,8**	**91,9**
Law	35	45	43	**41**	1 765	1 813	1 906	**1 828**	**2,2**	**15,6**
Subjects total (excluding medicine/public health)	989	1 004	888	**960**	15 850	15 691	17 728	**16 423**	**5,8**	**19,0**

Sources: Federal Statistical Office (as of 30 November 2011); own calculations

Chart 17: Share of Doctorates in Law Going on to a *Habilitation* Compared to Other Subject Groups, 2008 – 2010

Share of Doctorates in Law Going on to a *Habilitation* Compared to Other Subject Groups, 2008 – 2010

Subject groups	Completed *habilitations*				Completed doctorates (PhD)				Share of doctorates going on to a *habilitation* (average of *habilitations* between 2008 – 2010 divided by average of doctorate numbers between 2003 – 2005) in percent	To compare: share of graduates going on to a doctorate (PhD) (2007 – 2009) in percent
	2008	2009	2010	Average *habilitations* 2008 – 2010	2003	2004	2005	Average doctorates 2003 – 2005		
Languages, literature and cultural studies	343	349	318	**337**	2 512	2 518	2 852	**2 627**	**12,8**	**11,3**
Medicine/public health	811	816	867	**831**	7 193	7 447	8 224	**7 621**	**10,9**	**59,9**
Mathematics, natural sciences	330	337	295	**321**	6 412	6 345	7 068	**6 608**	**4,9**	**43,1**
Law, economics and social sciences	176	182	139	**166**	3 342	3 329	3 811	**3 494**	**4,7**	**11,4**
Law only	35	45	43	**41**	1 765	1 813	1 906	**1 828**	**2,2**	**15,6**
Subjects total (excluding medicine/ public health)	989	1 004	888	**960**	15 850	15 691	17 728	**16 423**	**5,8**	**19,0**

Sources: Federal Statistical Office (as of 30 November 2011); own calculations

Chart 18: Student-Teacher Ratio in Law Compared to Other Subject Groups, 2000 – 2010

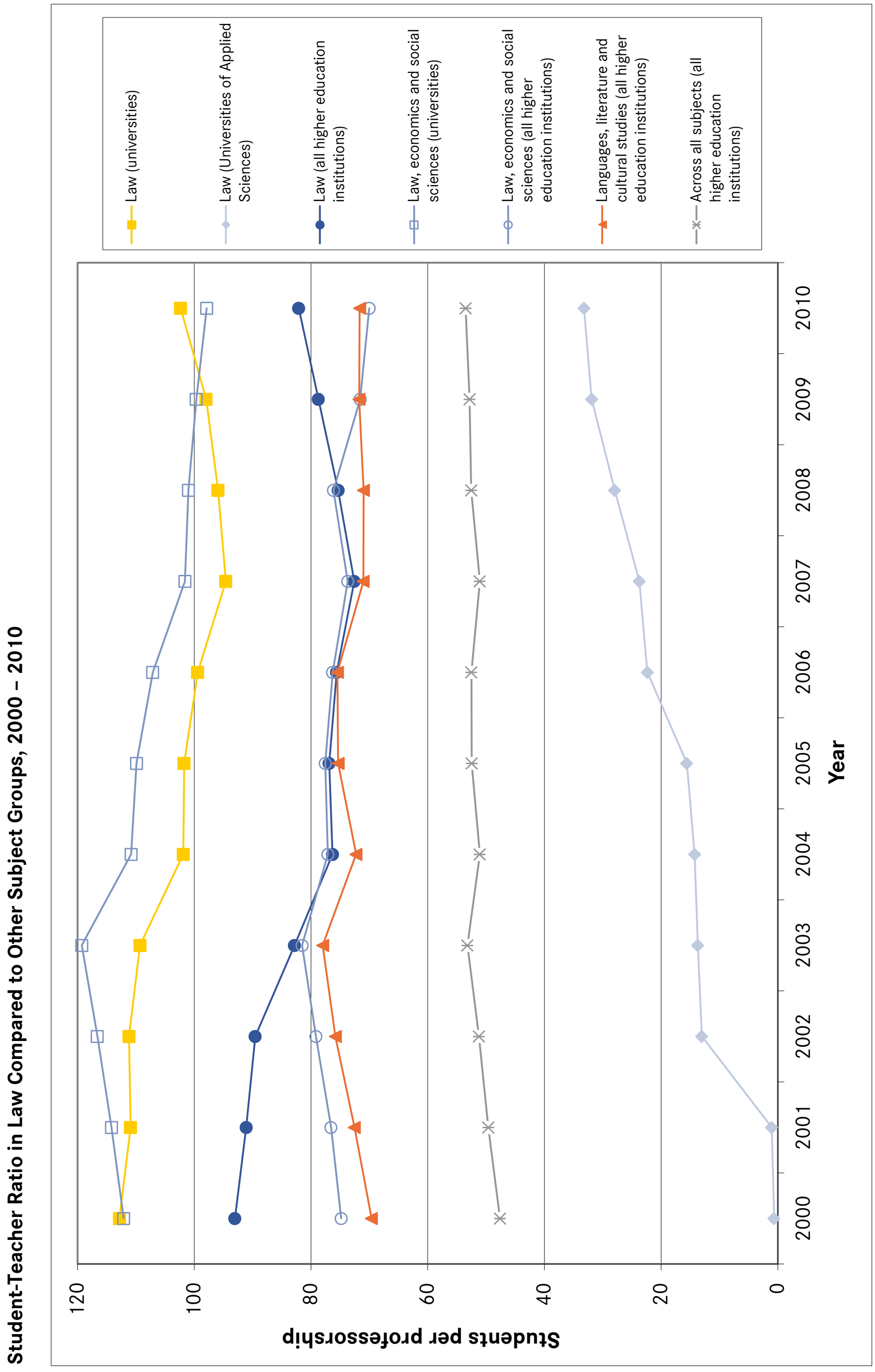
Student-Teacher Ratio in Law Compared to Other Subject Groups, 2000 – 2010

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Law students											
Universities	102 766	99 808	99 158	98 678	93 925	93 291	90 248	86 363	88 825	92 482	96 296
Change with respect to the base year 2000 (= 100)	*100*	*97*	*96*	*96*	*91*	*91*	*88*	*84*	*86*	*90*	*94*
Universities of Applied Sciences (including Public Administration Universities)	123	205	3 281	4 742	5 412	5 796	9 067	9 747	11 225	12 367	12 950
Change with respect to the base year 2000 (= 100)	*100*	*167*	*2 667*	*3 855*	*4 400*	*4 712*	*7 372*	*7 924*	*9 126*	*10 054*	*10 528*
Law professorships [1]											
Universities	911	900	892	903	922	917	908	913	926	944	941
Change with respect to the base year 2000 (= 100)	*100*	*99*	*98*	*99*	*101*	*101*	*100*	*100*	*102*	*104*	*103*
Universities of Applied Sciences (including Public Administration Universities)	195	198	252	346	380	372	406	411	402	388	390
Change with respect to the base year 2000 (= 100)	*100*	*102*	*129*	*177*	*195*	*191*	*208*	*211*	*206*	*199*	*200*
Student-teacher ratio											
Law (universities)	113	111	111	109	102	102	99	95	96	98	102
Law (Universities of Applied Sciences)	0,6	1	13	14	14	16	22	24	28	32	33
Law (all higher education institutions)	93	91	90	83	76	77	76	73	75	79	82
To compare:											
Law, economics and social sciences (universities)	112	114	117	119	111	110	107	102	101	100	98
Law, economics and social sciences (Universities of Applied Sciences)	81	81	83	83	78	79	77	73	73	64	61
Law, economics and social sciences (all higher education institutions)	75	77	79	82	77	78	76	74	76	72	70
Languages, literature and cultural studies (universities)	73	76	80	83	77	80	81	76	75	76	76
Languages, literature and cultural studies (all higher education institutions)	70	73	76	78	72	75	75	71	71	72	72
Across all subjects (universities)	56	58	60	62	59	60	60	58	58	59	60
Across all subjects (all higher education institutions)	48	50	51	53	51	52	53	51	53	53	53

| 1 Only occupied chairs have been counted.

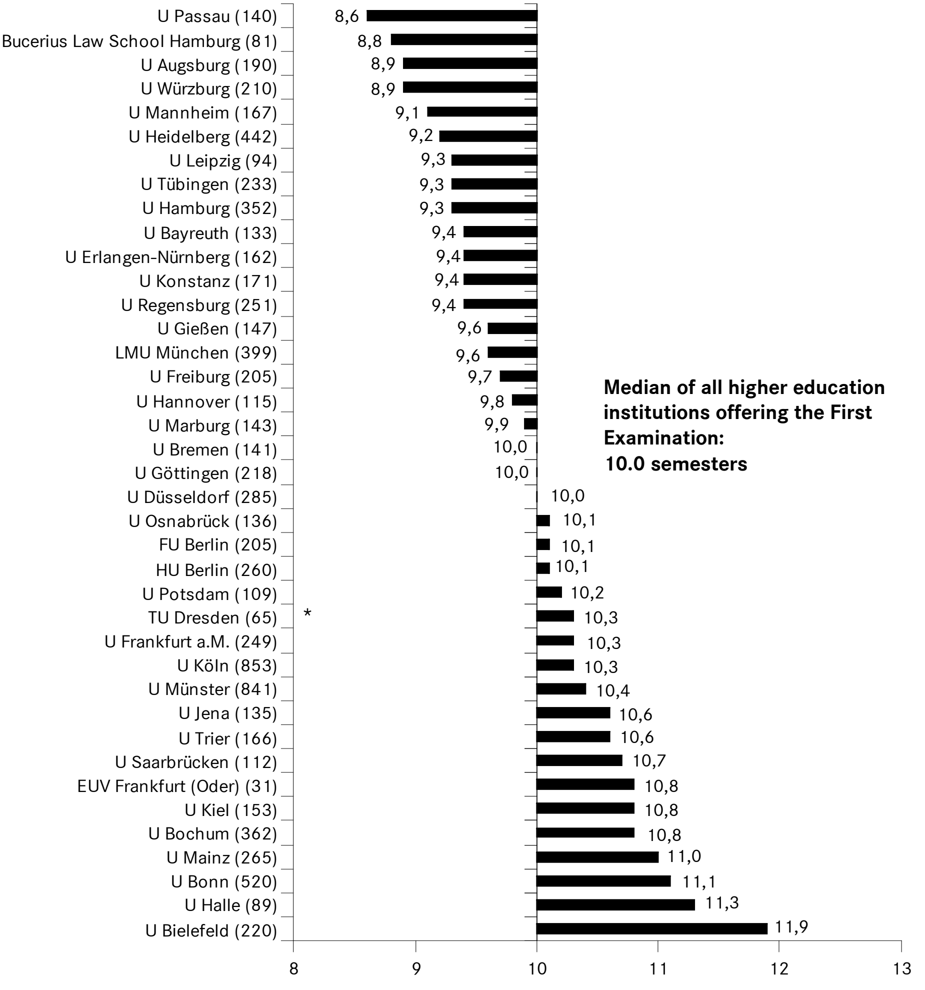
Sources: Federal Statistical Office (as of 5 July 2012), own calculations

Illustration 6: Student-Teacher Ratio in Law Compared to Other Subject Groups, 2000 – 2010



Sources: Federal Statistical Office (as of 5 July 2012); own calculations

Illustration 7: Average Duration of Law Programmes (First Examination), 2009



* Expiring law programme

Only law programmes with ten or more graduates are included.

Source: Geschäftsstelle des Wissenschaftsrates: Entwicklung der Fachstudiendauer an Universitäten von 2007 bis 2009 (Drs. 1676-11), Cologne: Wissenschaftsrat 2011